

HAND-DELIVERY via Attorney Alvin Gomez

December 6th, 2013

Taryn Sisco
28861 Pujol Street #1011
Temecula CA 92590

Re: *Notice of Supplemental Charges in Support of Termination case 13-IA-08*

Dear Ms. Sisco:

The purpose of this Memorandum is to notify you of my decision to include additional charges as an independent basis for your termination and evidence of your unsuitability for re-employment with the Carlsbad Police Department.

Your dismissal as a police officer with the City of Carlsbad was effective September 16, 2013. Please note that the grounds, upon which you were previously terminated, standing alone, remain sufficient justification for terminating your employment. The misconduct described in this Notice is further indication of your unsuitability for continued employment as a Carlsbad Police Officer.

Please understand that this Notice of Supplemental Charges is not a Notice of Intent to impose disciplinary action. The disciplinary action – termination – has already been imposed and your property interest in your former employment with the City has already been severed. The June 24th, 2013, Notice of Intent issued by me (and the August 27th, 2013 Final Notice issued by Chief Gary Morrison) can and does stand alone as providing an appropriate basis for the decision to terminate your employment, and is only supplemented by this Notice of Supplemental Charges.¹

Nevertheless, if you would like the opportunity to respond to this Notice, either orally or in writing, please contact me at 760-931-2218, no later than December 13th, 2013. If I do not hear from you or your representative by the close of business on December 13th, 2013, then you will have waived your opportunity to respond. To the extent you provide any response, it shall be strictly confined to a discussion of the charges that I have added by this Notice.

These supplemental charges are based on findings which are supported, at a minimum, by a preponderance of the evidence. The following constitutes the charges and grounds upon which the supplemental charges are based.

¹ In the event there is any modification of your termination as a result of any disciplinary appeal and/or subsequent proceedings, the City reserves its right to rely upon these supplemental charges as necessary to support a future independent basis for discipline.

1. LEGAL/STATUTORY BASIS FOR SUPPLEMENTAL CHARGES.

The proposed supplemental charges are based upon findings that you have committed the following violations of the City of Carlsbad Police Department Manual Policy. Please note that these supplemental charges are based upon your violation of one or more of the following policies, and/or one or more of the following factual findings, and need not be based upon a finding that you committed multiple policy violations and/or that you committed all of the factual acts set forth herein. In other words, your violation of any one of the following policies would warrant these supplemental charges.

340.3.5 (o) PERFORMANCE

Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.

340.3.5 (p) PERFORMANCE

Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.

340.3.5 (aa) PERFORMANCE

Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.

340.3.5 (ad) PERFORMANCE

Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

340.3.5 (m) PERFORMANCE

Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

2. FACTUAL BASIS FOR SUPPLEMENTAL CHARGES.

The above charges are based on your commission of the following acts or omissions. Please note that any one of the above charges would be sufficient justification for termination.

1. On or about February 20, 2013 you were employed as a police officer for the City of Carlsbad. You were working as a patrol officer and were dispatched to Sears (2561 El Camino Real, Carlsbad, CA. 92008). You were charged with investigating a reported

theft at Sears, with two female juveniles in custody. You questioned the juveniles and arrested them for burglary. You ultimately booked the juveniles into juvenile hall.

Sergeant Chase questioned the content of your report; specifically a lack of intent on the part of the arrested juveniles. You told Sergeant Chase you would review your "notes" to confirm the content of your investigation. You amended the original version of the report to include the necessary intent to support the charge of burglary, specifically, that the juveniles both planned to go into Sears to steal clothing. Notably, the new information attributed to each suspect seemed very similar to Sergeant Chase. The fact that the additional information seemed nearly identical for each suspect was suspicious to Sergeant Chase. (See Attachment E to the IA.)

Approximately one month after this arrest, on March 18, 2013, you testified in Superior Court regarding this arrest. (See Attachment G to the IA.) During your testimony, you were specifically asked by the defense attorney with regard to your questioning of one of the juvenile's if you had taken notes during the interview. You said under oath that you had not. This testimony is in direct conflict with the information you provided Sergeant Chase regarding the need to check your notes and confirm if the juveniles had told you they intended to commit a theft prior to coming to Sears.

Sergeant Williams conducted an administrative investigation regarding your truthfulness during the burglary investigation and during the associated Superior Court testimony. During questioning by Sergeant Williams you insisted that you had taken notes during your investigation of this theft. You stated that this is how you were able to amend your original report to include the specific intent required for burglary. However, this is in direct conflict with your testimony in the associated court trial. When asked to explain the conflict between your court testimony and what you previously stated to Sergeant Chase about reviewing your notes, you stated: "I obviously probably got caught up and made a mistake. I never intended to lie, or to answer, "No." Maybe at that time I didn't remember. I don't know." When asked specifically why you knew that you had taken notes on February 20, 2013, but told the defense attorney that you had not, you stated: "I don't recall. I most likely made a mistake. He was asking a lot of questions, I probably got confused and made a mistake." (See Attachment H to the IA.) Notably, you were unable to produce your notes regarding the February 20, 2013, arrest. Moreover, when your locker and equipment storage bin were searched as part of the administrative investigation, three of your officer's notebooks and four of your field interview pads were found and reviewed, but did not contain notes from the February 20, 2013 arrest. (See Attachments M-P to the IA).

3. ANALYSIS

In *Skelly v. State Personnel Board* (1975) 15 Cal. 3d 194, the California Supreme Court stated: "In considering whether such abuse [regarding the severity of public employee penalty] occurred in the context of public employee discipline, we note that the overriding consideration in these

cases is the extent to which the employee's conduct resulted in, or if repeated, is likely to result in harm to the public service Other relevant factors include the circumstances surrounding the misconduct and the likelihood of its recurrence." (*Id.* at pp. 218-219.)

Keeping these factors in mind, I strongly believe that your misconduct independently warrants termination. The administrative investigation was unable to determine that you did not take notes on February 20, 2013, when you interviewed the two juveniles prior to their arrest. Indeed, you insist you did take notes. However, I find it problematic that you were not able to produce the written notes that you took on that date, or to adequately explain what you did with the notes (e.g. lost or destroyed them), or more importantly, explain why you testified in court, under oath, that you did not take any notes on February 20, 2013 of your interview with a juvenile whom you charged with felony burglary. It is a serious matter to charge a juvenile with felony burglary and a critical component of your job as a police officer is to ensure you have a factual basis with which to charge a person of a crime. It is essential that your written reports supporting an arrest be entirely accurate; whether you wrote the report based on your notes or memory of the event.

The administrative investigation was able to sustain, by your own admission, that your statement in court, under penalty of perjury, was false. You stated in this investigation, which occurred after your court testimony, that you made notes of your interview with the juvenile suspect, yet in court, you testified that you did not make any notes of your interview. Making false statements, under oath, is a very serious offense with criminal repercussions. Furthermore, I find your excuse for your false testimony to be patently insufficient. You testified in court only one month after your arrest and should have been able to accurately recall whether you took notes of your interviews with the juveniles.

As you know, honesty, integrity and a reputation for truthfulness are essential qualifications to perform the job of police officer. Your failure to testify accurately in court constitutes a failure to perform an essential function of your job. Your repetitive commission of acts similar to those now at issue, evidence a likelihood of recurrence of misconduct. In the Notice of Intent issued to you on June 24, 2013, I concluded that you engaged in failure to accurately document arrests and criminal activity and falsification of an official report. Based on that misconduct alone, I found your termination was warranted. This additional instance of misconduct further impairs your credibility and bolsters the conclusion that you cannot be trusted in the future to perform the essential functions of a police officer.

The records of your dishonesty are potentially discoverable both pursuant to a *Pitchess* motion under Evidence Code section 1043, et seq. and pursuant to *Brady v. Maryland* (1963) 373 U.S. 83. Criminal defense and civil attorneys often seek to bolster their positions by attacking the credibility, honesty and integrity of the police officer who is frequently the principal witness to an event. Evidence of your dishonesty and/or lack of integrity will no doubt undermine your ability to successfully assist in the prosecution of crime or to participate in civil litigation.

Further, Courts have determined that evidence of peace officer dishonesty may warrant dismissal. (*Nicolini v. County of Tuolumne* (1987) 190 Cal.App.3d 619, 629.) Your position "is one involving the public trust and the Department, due to the lack of direct supervision over its employees, must totally rely on the accuracy and honesty of the employee..." (*Ibid.*) Your

pattern of misconduct has undermined your integrity to such an extent that it is irreparable in my mind.

The preponderance of the evidence establishes that you have engaged in misconduct, in violation of the above policies. This misconduct is incompatible with the performance of the duties of a law enforcement officer and has "harmed the public service" within the meaning of *Skelly*.

All materials upon which these independent and supplemental charges are based upon are attached to this Notice of Supplemental Charges and would support your termination and unsuitability for re-employment with the Carlsbad Police Department.

4. OPTION TO RESPOND.

As noted above, this Notice of Supplemental Charges is not a Notice of Intent to impose a new disciplinary action. The disciplinary action – termination – has already been imposed and your property interest in your former employment with the City has already been severed. This *Notice of Supplemental Charges* is further evidence that supports the City's prior determination that warranted your termination.

If you wish to provide a verbal or written response to this Notice of Intent, please contact me at 760-931-2218, no later than December 13th, 2013. If I do not hear from you or your representative by the close of business on December 13th, 2013, then you will have waived your opportunity to respond. To the extent you provide any response, it shall be strictly confined to a discussion of the charges that I have added by this Notice.


5. ATTACHMENTS

Copies of all materials upon which these supplemental charges are based (with the exception of your complete personnel file) are identified below and attached hereto.

1. Carlsbad Police Department Internal Affairs Investigation #13-IA-08

- A. Chronology
- B. Investigation narrative
- C. Supervisor's Complaint Summary
- D. Witness List
- E. CPD case 13-01100 prepared by Officer Sisco
- F. Juvenile Court Order Forms
- G. Juvenile Court Trial Transcript from 3-18-13
- H. Officer Sisco's interview transcript from 9-3-13

- I. Juvenile DA's Office and Probation Department records
- J. Officer Notebook photocopies
- K. Officer Notebook photocopies
- L. Officer Notebook photocopies
- M. Field Interview book copies
- N. Field Interview book copies
- O. Field Interview book copies
- P. Administrative Findings and Insight
- Q. Officer Notices and Admonishments


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In the Matter of the Appeal of

Jesse Flores,
Appellant,

and

City of Carlsbad,
Respondent.

Hearing Officer's
Opinion
and Advisory Award

Re: Appeal from Termination

The matter was submitted to the Hearing Officer pursuant to Article 22 of the Memorandum of Understanding between the City of Carlsbad (City) and the Carlsbad Police Officers' Association (RX 2) and City Administrative Order No. 70. (RX 1).¹ The matter was heard on August 19, 20 and 21, 2013, at City facilities located at 5950 El Camino Real, Carlsbad, California. The Parties were afforded the opportunity to examine and cross-examine witnesses under oath, introduce relevant evidence, and propound arguments in support of their respective positions. The hearing record was closed and the matter submitted for award following receipt and exchange of the post-hearing briefs.

APPEARANCES

For the Appellant:

For the Respondent:

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¹ Appellant and Respondent exhibits are referenced as AX and RX, respectively.

BACKGROUND

This matter involves an appeal by Jesse Flores (Appellant) following his termination from employment as a Detective for the Carlsbad Police Department (Department), effective January 6, 2013, for engaging in acts of dishonesty by making false and misleading statements to other law enforcement personnel regarding a purported “confidential informant” that had conveyed information to the Appellant about a homicide suspect’s whereabouts. The statements that triggered the Appellant’s termination were made to supervisors and a co-worker on April 27, 2012 and the days immediately following. The Appellant disputes the statements attributed to him (as well as the nature, purpose and context of the conversations at issue).

The Appellant was hired by the Department on March 6, 2006. In approximately 2008, he was assigned to the North County Regional Gang Task Force (NCGTF), which is comprised of several law enforcement agencies in the San Diego County area, including the City of Carlsbad, the City of Escondido, the San Diego County Sheriff’s Department, the United States Marshal’s Service, the San Diego County District Attorney, and other local and federal agencies.²

On March 25, 2011, a homicide occurred in the City in which an individual was attacked and stabbed to death by two suspects as he was leaving a bar. The suspects were identified as Miguel Ochoa and Pedro (aka “Petey”) Avalos (Avalos), two known gang members. Ochoa was apprehended, but Avalos remains at large. The case remained an active pursuit case within the Department’s Crimes of Violence unit, which also engaged other task forces in the pursuit of Avalos, including the NCGTF, the District Attorney’s Office and the United States Marshal’s Service. Sgt. Mickey Williams (Williams) supervised the lead investigator of the Crimes of Violence unit who was actively pursuing Avalos.

On the morning of April 27, 2012, Sgt. Williams held a meeting with other law enforcement personnel responsible for the pursuit of Avalos to discuss the known information

² In 2012, when the events triggering the Appellant’s termination occurred, the Appellant was directly supervised at NCGTF by two sergeants, Sgt. Mike Kearney (Kearney) of the Escondido Police Department, and Sgt. Scott Miedecke (Miedecke) of the San Diego County Sheriff’s Department. The Appellant’s indirect report was Sgt. Chris Boyd (Boyd), who was not a member of NCGTF but had administrative oversight over the Appellant while he was assigned to NCGTF.

1 regarding Avalos' whereabouts. The other individuals present at this meeting were Det. Bryan
2 Hargett (Hargett), U.S. Deputy Marshal Jose Olivarez (Olivarez) and District Attorney
3 Investigator (DAI) Scott Christie (Christie). Following the meeting, the Appellant allegedly
4 reported to Hargett and Christie (and within earshot of Williams) that Avalos was "in Ensenada
5 with his father." When asked by Williams (in a "first meeting") how he knew this information,
6 the Appellant allegedly stated that he had received the information within the last 30 days from a
7 "confidential informant" (or "CI"),³ who had told the Appellant that the CI overheard a
8 cellphone conversation between a gang member and Avalos in which the CI heard that Avalos
9 was in Ensenada, Mexico. The Appellant also allegedly stated that he had relayed the
10 information to a Deputy U.S. Marshal within the last 30 days but did not recall the Deputy U.S.
11 Marshal's name. The Appellant then met with his supervisor, Sgt. Boyd, (the "second meeting")
12 and also allegedly informed him that he had a CI to whom he had spoken that had information as
13 to where Avalos was located in Mexico.

14 Later that day, the Appellant met with Williams and Hargett (the "third meeting") at
15 which time the Appellant allegedly identified Deputy U.S. Marshal Steve Roncone (Roncone) as
16 the individual to whom he had reported the information about Avalos' whereabouts within the
17 last 30 days. The Appellant also allegedly stated that he "might have mentioned it to Christie."
18 However, both Roncone and Christie denied receiving such information from the Appellant. The
19 Appellant allegedly stated that the reason he had not relayed the information to anyone at the
20 Department for over a month was due to a "major brain fart."

21
22 ³ In contrast to a general informant or source, a "confidential informant" refers to an informant who is "signed up"
23 with a law enforcement agency, whereby the CI agrees to assist law enforcement by providing information or
24 participating in a criminal investigation in exchange for some benefit such as monetary compensation, relocation of
25 the informant or a family member, or leniency/reduction in sentencing. Within the Department, the process of
26 approving an individual to serve as a CI involves a detailed vetting of the individual and his/her background,
27 approval by a sergeant, and preparation of a written file on the CI that includes the CI's biographical page, criminal
28 history, a printout showing an inquiry on warrants, a waiver of City liability signed by the CI, and instructions on
how the informant must conduct him/herself. A specific identifying number is then assigned to the CI and the CI is
subsequently referred to by use of that number only. A similar process is employed at NCGTF, in which a detailed
packet of personal information, standard processing forms and a contact report describing communications with the
CI is prepared. The Appellant did not deny familiarity with these processes but asserts that the terms "informant,"
"confidential informant" and "source" (and the applicable protocols) are not used consistently or uniformly in a
manner that reflects clear distinctions.

Another meeting (the “fourth meeting”) was held that same day (April 27, 2012) with the Appellant, Williams, Boyd and Lt. Matt Magro (Magro),⁴ during which the Appellant allegedly immediately stated that he had incorrectly identified Roncone as the U.S. Deputy Marshal to whom he had reported the information about Avalos’ whereabouts, and that it was actually Deputy Marshal Steve Chaco (Chaco). Williams then inquired as to whether the Appellant had written a report when he debriefed his CI and learned the information, and requested details as to the date and time of the Appellant’s interaction with the CI. In response, the Appellant allegedly stated that there was a CI contact report, but that he could not produce it to Williams because it was located in a NCGTF file that was “under lock and key,” and only his NCGTF supervisors (Kearney and Miedecke) could grant access to it. Williams then allegedly instructed the Appellant to incorporate the facts of that report into an information report for the Department under the Carlsbad police case number for the homicide, and the Appellant allegedly responded that he would read the “CI contact report” that he had written in the NCGTF informant file and write a report based on his review of the CI contact report. The Appellant was directed to provide the report as soon as possible, and overtime was authorized for this purpose.

On April 30, 2012, according to the Respondent, the Appellant contacted Kearney to request a CI file that was located in the secure file in Miedecke’s office, and also texted Miedecke with the same request. Neither supervisor was in the NCGTF office at the time. Kearney allegedly offered to come to the office to open the file for the Appellant, but the Appellant allegedly declined and said he would take care of it later. Miedecke allegedly told the Appellant that another lieutenant in the office (Lt. Adams-Hydar) could help him access the file. That same day, the Appellant allegedly called Boyd and told him that he had not yet been able to gain access to the CI file.

The following morning, May 1, 2012, the Appellant allegedly came to Miedecke’s office and asked Miedecke for permission to open a new CI file for this same informant, on whom the Appellant had requested to open a CI file several months prior (but which request had been

⁴ Magro is the Department’s Investigative Lieutenant who manages the Crimes of Violence unit.

1 denied because the informant had been deported to Mexico, which disqualified him to serve as a
2 CI). Miedecke denied this second request because the Appellant allegedly told him that the
3 informant still had not returned to the United States.

4 That evening, the Appellant submitted a report to Kearney concerning a contact with the
5 CI and allegedly stated to Boyd that he had written the report “from his recollection” as he still
6 had not been able to gain access to the original file. Kearney signed off on the report that night.
7 The next day (May 2, 2012), the Appellant sent an email to Boyd, Williams, Hargett and Magro
8 attaching a copy of the informational report he had prepared regarding his contact with a CI,
9 which had been signed by Kearney. (RX 10). Upon reviewing the report, Boyd found it to be so
10 vague that it could not be relied upon to provide any useful information. Boyd also allegedly
11 learned at that time from Kearney and Miedecke that the subject to whom the Appellant had been
12 referring was not a “signed-up” NCGTF CI (or a Department CI) and never had been, and no file
13 on the supposed CI had ever existed. The report indicated that the Appellant obtained his
14 information from the informant “on or about” March 7, 2012, which was noted to be inconsistent
15 with the Appellant’s initial statement to Williams on April 27, 2012 that he had received the
16 information about 30 days prior.

17 At that point, Boyd submitted a Supervisor’s Complaint Summary based on his belief that
18 the Appellant had not been truthful in his statements about having documented an informant
19 contact “when in fact the subject was not a [NC]GTF informant and no such documentation had
20 occurred.” (RX 7). Boyd’s complaint led to the initiation of an Internal Affairs investigation on
21 May 3, 2012 that was conducted by Sgt. Jason Jackowski (Jackowski). (RX 8). The Appellant
22 was placed on paid administrative leave effective May 3, 2012. (RX 6).

23 The Department issued a Notice of Intent to Terminate the Appellant’s employment on
24 September 4, 2012. (RX 4). This notice informed the Appellant of his *Skelly* rights and notified
25 him of a preliminary determination that he had violated the following Department policies:

26 **Policy 340.3.5 (i):** Falsification of any work-related records, the making of misleading
27 entries or statements with the intent to deceive, or the willful and unauthorized
28 destruction and/or mutilation of any department record, book, paper or document.

1 **Policy 340.3.5 (ad):** Giving false or misleading statements, or misrepresenting or
2 omitting material information to a supervisor, or other person in a position of authority, in
3 connection with any investigation or in the reporting of any department-related business.

4 **Policy 340.3.5 (c):** Unsatisfactory work performance including, but not limited to,
5 failure, incompetence, inefficiency or delay in performing and/or carrying out proper
6 orders, work assignments or instructions of supervisors without a reasonable and bona
7 fide excuse.

8 A Revised Notice of Termination was issued on January 2, 2013 (RX 3), stating that the
9 Appellant's employment would be terminated effective January 6, 2013. This notice was based
10 on Police Chief Gary W. Morrison (Morrison)'s conclusion that, among other things:

- 11 • By the Appellant's own admission during his Internal Affairs interview with Lt.
12 Mendes and Sgt. Jackowski, the Appellant admitted that he "misled" Sgt. Kearny
13 (his immediate supervisor at NCGTF), Lt. Magro, Sgt. Boyd and Sgt. Williams,
14 and failed to be immediately forthcoming with this admission (RX 3, p. 2);
- 15 • By the Appellant's own admission, he had information regarding a homicide
16 suspect's whereabouts since March 2012 but failed to relay this information to the
17 appropriate parties at the Department. The Appellant had no reasonable
18 explanation for his failure to relay the information, and thus demonstrated a high
19 level of incompetency (RX 3, p. 2);
- 20 • From the time of the Appellant's conversation on April 27, 2012 through the
21 following days, the Appellant "consistently and knowingly obfuscated the truth,"
22 and willingly misled supervisors who were attempting to solve a heinous crime.
23 "[H]aving information of a homicide and failing to immediately report such
24 information to the immediate and appropriate parties fails to meet the public's
25 expectation of our profession and grossly fails to meet my expectations of
26 members of this department." (RX 3, pp. 2-3).

27 The Appellant does not dispute the following facts:

- 28 • The date of the alleged incidents.

- The fact that on the date of the alleged incidents he was on duty and/or in an official capacity.
- The fact that, prior to the incidents alleged in the charging documents, the informant had been rejected for formal use in the NCGTF.
- The fact that, on the dates alleged, he had conversations with Sgt. Williams, Sgt. Boyd, Det. Hargett, Lt. Magro, Sgt. Kearney, Sgt. Miedecke, DAI Christie, Sgt. Koran, or that he was interviewed by Sgt. Jackowski.
- That he wrote the documents identified as RX 10 and RX 11.
- The fact that he was ordered to write the document identified as RX 10.
- The fact that the “confidential informant files” (but not all “informant” files) at NCGTF did not contain a record of the informant in question.

However, the Appellant disputes many of the key factual allegations, including:

- The nature, purpose and context of his conversations with Sgts. Williams, Boyd, Kearney and Miedecke, Lt. Magro, DAI Christie, Det. Hargett, and all of the federal officers.
- Statements attributed to the Appellant by all persons identified above, including whether the Appellant actually used the term “confidential informant” as opposed to a mere “informant.”
- Whether the Appellant was dishonest during his conversations with the persons identified above, and/or during his Internal Affairs interview.
- The reasons, thought process and actual actions of the Appellant.
- Whether an informant file for the informant in question was ever created.
- Whether, at the time the Appellant discussed an informant file, he believed an informant file still existed at NCGTF.
- Whether the informant in question was used in the preparation of search warrant affidavits (for pen registers).
- Whether RX 10 was a proper report as written.

- Whether the Department followed the investigative and discovery requirements set forth in the Public Safety Officers Procedural Bill of Rights Act (POBRA), Cal. Gov’t Code §3300 et seq., and relevant California case law.
- Whether the Appellant was the subject of a hostile work environment that resulted in disparate treatment.

Objections by Appellant

In addition to the denial of critical elements relied upon by Respondent to support the decision to terminate, Appellant’s arguments included the following four procedural and evidentiary objections:

1. **Hearsay**: At the outset, the Appellant argued that the Department’s administrative findings, conclusions and adverse action in terminating his employment were based entirely on a review of documents, all of which were hearsay as they were taken outside of a sworn proceeding and offered in the proceeding to prove the truth of the matter asserted (and no applicable exceptions to the hearsay rule existed). Specifically, the Appellant asserted that witness statements contained in the investigative reports, the charging materials, the adjudication materials and most of the submitted exhibits were hearsay and not supported by witness testimony at the hearing. As a result, the Appellant argued, neither the documents nor the hearsay testimony that flowed from the documents are sufficient to render an adverse finding in the absence of any direct supporting evidence that would permit their use during the fact-finding process.
2. **Violation of Interrogation Rights**: The Appellant alleged that his Public Safety Officers’ Procedural Bill of Rights ⁵ (POBRA) interrogation rights were violated based on questioning by supervisors on April 27, 2012, regarding conduct that could lead to discipline.⁶ In this regard, the Appellant claimed that at least some of the questioning on

⁵ Govt. Code §3300, *et seq.*

⁶ Gov’t Code Section 3303 sets forth certain conditions under which an interrogation is to be conducted when any public safety officer is under investigation and subjected to interrogation by his or her commanding officer (or any other member of the employing public safety department) that could lead to punitive action.

1 that day took place at a time when it was objectively apparent that misconduct was
2 suspected, and the Appellant was being questioned to solicit information related to
3 misconduct, which triggered the applicability of his interrogation rights under POBRA.
4 The Appellant thus contends that all statements and other evidence taken in violation of
5 his rights be excluded. The Respondent refuted the claim that any violation of the
6 Appellant's POBRA interrogation rights occurred, as he was engaged solely in routine
7 contacts with supervisory personnel on April 27, 2012.

8 **3. Violation of Discovery Rights:** The Appellant argued that the Department failed to
9 comply with its legal obligation to provide the Appellant with all materials relied upon
10 during the disciplinary decision-making process and his discovery rights under the
11 POBRA statute,⁷ in that the Appellant was not provided a copy of the investigation report
12 concerning his previously-filed hostile work environment complaint – which Chief
13 Morrison considered before issuing the Notice of Termination to the Appellant – despite
14 the Appellant's demands for these materials. The Appellant claimed that the
15 Respondent's failure to fully disclose all materials considered as part of the termination
16 decision prejudiced his right to a full and fair evidentiary hearing. The Respondent denied
17 that any violation occurred in connection with the Appellant's allegation that he was
18 denied a copy of all materials upon which the termination decision was made. The
19 Respondent contended that the Appellant's allegations of a hostile work environment are
20 irrelevant to this action, as they do not prove or disprove that the Appellant engaged in
21 the misconduct for which he is charged (nor mitigate his wrongdoing), and none of the
22 individuals against whom the Appellant waged the allegations were involved in the
23 decision to terminate him.

27 ⁷Gov't Code Section 3303(g) provides, in part, "The public safety officer shall be entitled to a transcribed copy of
28 any notes made by a stenographer or to any reports or complaints made by investigators or other persons, except
those which are deemed by the investigating agency to be confidential."

Respondent's Arguments

The Respondent argued that there was just cause for the termination because the Appellant was untruthful to his superiors and a co-worker about the existence of a confidential informant file and then proceeded to make further dishonest statements to cover up the original fabricated story. According to the Respondent, the Appellant exhibited a pattern of untrue and contradictory statements in the aftermath of the initial April 27, 2012 conversation with Hargett, Christie and Williams, and in his administrative interview, including:

- (1) stating to his supervisors and a co-worker multiple times that he had a “confidential informant” at NCGTF, while being aware of the significance afforded to that term as distinguished from other information sources, and knowing that the subject to whom he was referring had not actually been approved as a CI;
- (2) stating to his supervisors that he had a confidential informant file locked up at NCGTF despite knowing there was no such file locked up at NCGTF;
- (3) stating to his supervisors that he had written down the substance of his conversation with the informant at the time of the communication and that this documentation allegedly was contained in a confidential informant file;
- (4) numerous inconsistent statements regarding the identity of the law enforcement personnel to whom the Appellant supposedly earlier reported the information about Avalos’ whereabouts, including misrepresentations as to whether he spoke to them directly and how the information was conveyed;
- (5) inconsistent statements regarding whether his May 1, 2012 written report was based on any prior documentation of his contact with the informant, as opposed to mere recollection;
- (6) inconsistent statements regarding the location of the purported confidential informant file, which has never been located to date;
- (7) contradictory statements as to whether or not he requested access to the confidential informant files at NCGTF;

1 (8) recanting his prior admission to the Internal Affairs investigators that he had
2 misled his supervisors by telling them there was a locked-up confidential informant file at
3 NCGTF despite knowing that was false; and

4 (9) contradictory statements as to why he waited nearly seven weeks to give the
5 information to the Crime of Violence unit.

6 The Respondent further cited several instances in which the Appellant made statements at the
7 appeal hearing that contradicted prior statements he made in his Internal Affairs interview.

8 In the Respondent's view, termination is the only appropriate discipline for continuous
9 and repeated dishonest statements by a police officer. In this case, the Respondent contended that
10 the level of discipline imposed was reasonable and not an abuse of discretion, as the
11 preponderance of evidence proved that the Appellant was dishonest and made false and
12 misleading statements which undermined his credibility and rendered him untrustworthy for
13 future service. The Respondent denied any disparate treatment in the level of discipline imposed
14 on the Appellant as compared to other officers. The Respondent thus requests that the
15 termination be upheld.

16 **Appellant's Arguments**

17 The Appellant maintained that his termination lacked just cause because there was a
18 dearth of direct, credible evidence showing that he engaged in the misconduct alleged. Rather,
19 the Appellant asserted that he was truthful from the outset in his communications regarding the
20 existence of the informant and the file, but various Department supervisors made unsupported
21 assumptions and erroneous conclusions based on his statements.

22 First, according to the Appellant, he referred to his information source as an "informant"
23 – as opposed to a "*confidential* informant" – which was meant as anyone other than an informant
24 that had been formally approved and "signed-up," and thus could be someone for whom a
25 complete written file (such as a CI file) would not necessarily exist. The Appellant contended
26 that the term "confidential informant" is not nearly as well-defined within the NCGTF or the
27 Department as the Respondent portrayed it to be, and that his supervisors mistakenly assumed he
28 was referring to a formally signed-up "confidential informant" when referring to the subject in

1 question. Second, it was not factually established that there was no written file whatsoever
2 regarding the informant at issue; to the contrary, there was evidence supporting the existence of a
3 preliminary file that may have been started on the informant at the NCGTF office until the point
4 in time when the informant was deported to Mexico, which disqualified the informant from
5 being formally approved as a CI. (The location of the file, however, was the subject of
6 reasonable confusion). In support of these claims, the Appellant relied heavily on the testimony
7 of Sgt. Kearney – who had approved the Appellant’s May 1, 2012 written report regarding his
8 contact with the informant (RX 10). Third, the Appellant claimed that he did provide the
9 information regarding Avalos’ suspected whereabouts in a timely manner about one month prior
10 to April 27, 2012, to another officer (Hoppe).

11 The Appellant also asserted that the testimony of certain Department witnesses, including
12 Boyd and Williams, was contradictory, unpersuasive, and lacking in credibility. The Appellant
13 claimed that he was the target of animosity and bias by Williams and Hargett, and the
14 uncomfortable environment they created rendered him stressed and ill at ease during the multiple
15 encounters he had with them and others on April 27, 2012 and in the aftermath. (The Appellant
16 previously submitted a hostile work environment complaint regarding these officers, about which
17 Chief Morrison testified). The Appellant further noted his lengthy career in law enforcement and
18 positive work performance with the Department, including that he had no prior sustained
19 complaint history and his evaluations reflected that he was either “meeting” or “exceeding”
20 standards.

21 In short, the statements attributed to the Appellant and resulting assumptions led to
22 numerous misunderstandings and miscommunications as opposed to any intent to mislead or
23 deceive his supervisors. Because the evidence showed that there was an informant whom the
24 Appellant was consulting, and some type of written file existed regarding the informant (of
25 which the Appellant was aware), the charges of false and misleading statements were
26 unsubstantiated and insufficient to provide just cause for the Appellant’s termination. Any
27 inaccurate statements made by the Appellant pertaining to the informant and the file were the
28 result of innocent mistakes on his part and did not constitute misleading statements.

1 The Appellant thus requests that he be reinstated to his position, in good standing,
2 without loss of pay, with immediate reimbursement of all back pay, benefits, seniority and
3 interest.

4 5 **ISSUES**

6 The Parties stipulated that the issues to be addressed by the Hearing Officer are as
7 follows:

- 8 1. Was the Appellant terminated for just cause?
- 9 2. If not, what is the appropriate remedy?

10 11 **FACTUAL STIPULATIONS**

12 The Parties entered into the following factual stipulations:

- 13 1. The Appellant's date of hire was March 6, 2006.
- 14 2. The Appellant was placed on paid administrative leave on May 3, 2012, which
15 continued until January 6, 2013, when the Appellant was terminated from
16 employment.
- 17 3. At the time of termination, the Appellant was classified as a Detective.
- 18 4. The termination was triggered by events that took place on April 27, 2012 and the
19 following days.
- 20 5. While employed, and up until the time of termination, the Appellant was a
21 tenured police officer entitled to the protections of the Public Safety Officers
22 Procedural Bill of Rights Act (POBRA), Cal. Gov't Code §3300 et seq.
- 23 6. The case number located at the upper right-hand corner of the attachment to RX
24 10 is a Carlsbad Police Department case number. (Tr. 224-25).

RELEVANT LANGUAGE

MEMORANDUM OF UNDERSTANDING (RX 2)

ARTICLE 22. DISCIPLINE OF AN EMPLOYEE

22.1 The City may only discipline regular employees for just cause. . . .

CARLSBAD POLICE DEPARTMENT POLICY MANUAL (RX 5)

DISCIPLINARY POLICY

340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of cause for disciplinary action

340.3.5 (c) Unsatisfactory work performance, including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

340.3.5 (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper, or document.

340.3.5(ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

ANALYSIS AND OPINION⁸

Appellant raised hearsay and procedural issues (including POBRA and *Skelly*) as threshold defenses. These arguments are addressed before analyzing the substance of the record with respect to Appellant's termination. As discussed in these proceedings, this Hearing Officer presides over a *de novo*, not appellate, procedure. Thus, with respect to hearsay and Respondent's reliance upon it in terminating Appellant, no issue arises. Nothing bars Respondent from relying

⁸To concentrate on the determinative, the Hearing Officer did not summarize all evidence or contentions raised by the Parties and taken into consideration. Unless otherwise specified, all dates herein shall refer to calendar year 2012.

1 upon hearsay in making these administrative decisions; however, hearsay in the evidentiary
2 proceeding itself may not, by itself, sustain an adverse finding.

3 Appellant argues violation of his POBRA rights in two different manners. The first was
4 when he was summoned to the fourth meeting on April 27 with Sergeant Williams, Sergeant
5 Boyd, and Lieutenant Magro. Appellant asserts that Sergeant Williams had already made
6 inquiries about Appellant's statements at earlier meetings that day and believed that Appellant
7 had given false information that could subject Appellant to discipline. Thus, Appellant was
8 entitled to but did not receive protections afforded by Govt. Code §3303. Appellant argues that at
9 the final April 27 meeting, in the presence of Sergeant Williams, Sergeant Boyd and Lieutenant
10 Magro, he was asked questions related to his apparent neglect of duty, failure to notify, and the
11 issues surrounding other claims by Appellant made during earlier meetings that day. Appellant
12 argues that those questions were not of a routine contact; rather, they were the beginnings of an
13 inquiry into alleged misconduct. Appellant's arguments are based on conclusions as to Sergeant
14 Williams' potential state of mind during that fourth meeting. In contrast, relevant testimony from
15 Sergeant Williams indicates that the questioning was to “nail down what information [Appellant]
16 had and to get that information out of GTF.” (Tr. 134-135). The Hearing Officer finds that the
17 events surrounding this last meeting with Appellant on April 27 did not violate Appellant's
18 POBRA rights.

19 Appellant alleges a second violation in being denied a copy of any investigative report
20 pertaining to Appellant's earlier complaint regarding treatment by Sergeant Williams. These facts
21 also form the basis for an alleged *Skelly* violation. As Respondent noted, Chief Morrison was
22 asked by Appellant during the *Skelly* meeting to consider the complaint Appellant had lodged
23 against Sergeant Williams before the events leading to the termination. Chief Morrison did so
24 but nevertheless concluded to terminate Appellant based solely on the allegations contained in
25 the notice of intent (RX 3, 4). Thus, Chief Morrison did not rely upon the content of that report
26 in making his decision to terminate Appellant. The denial of access to the investigative report
27 and associated materials relating to Appellant's complaint did not constitute a *Skelly* violation or
28 a POBRA violation. The merits of Appellant's alleged misconduct are now considered.

1 For employer-imposed discipline to comport with a contractual just cause standard, the
2 employer must prove with a preponderance of evidence the following three elements: (1) that the
3 employee engaged in the alleged misconduct; (2) that the employee knew, or reasonably should
4 have known, that engaging in such misconduct could lead to the imposed level of discipline; and
5 (3) that the imposed level of discipline is reasonable in light of all attendant mitigating and
6 aggravating considerations.

7 Here, Respondent argues the existence of misconduct in the form of Appellant's alleged
8 dishonesty through intentionally misleading statements to supervisory personnel, as well as
9 failure to adequately convey information to his superiors. The just cause analysis of these
10 proceedings must be confined to the specific allegations contained within the charging
11 documents (RX 3, 4). The notice of termination (RX 3) alleges generally that Appellant misled
12 Lieutenant Magro and Sergeants Kearney, Boyd, and Williams. The notice of intent summarizes
13 five specific allegations against Appellant as follows (RX 4, p. 10):

- 14 1) "You 'mislead' Sgt. Williams about information . . . pertinent to an ongoing homicide
15 investigation."
- 16 2) "You delayed or chose not to share information with the COV unit which may have helped in
17 locating the homicide suspect"
- 18 3) "You 'misled' Sgt. Kearney about the need to access a GTF CI file that you knew did not exist."
- 19 4) "You mislead Sgt. Williams, Sgt. Boyd, Detective Hargett and Lt. Magro about the existence of a
20 CI file about your subject at GTF and your need to access it to create a report that was requested
21 by them."
- 22 5) "You memorialized in an official report and an email to your Carlsbad police supervisors,
23 information that you knew to be misleading, inaccurate and/or untrue."

24 The allegations, in their totality, allege that Appellant misled multiple supervisory
25 personnel with respect to the nature of an informant, the existence of a CI file, Appellant's need
26 to access it, and a report which Appellant knew to contain information that was either inaccurate,
27 misleading, or untrue. Relevant components of each allegation, and the Parties' respective
28 positions, are addressed.

The existence of an informant

At some point around early March, a male informant known to Appellant conveyed information to Appellant regarding the whereabouts of a murder suspect. This finding is supported by (1) Appellant's admission that he had received the information from this person on or about that time but forgot to convey it to Sergeant Williams, (2) Officer Hoppe's testimony that Appellant informed him at that time that he had received the information from this person (Tr. 452-53), and (3) Sergeant Boyd and Officer Hoppe's testimonies that, at one point, this person was on file as a Confidential Informant with the Vice/Narcotics Unit (VNU) (Tr. 175-76; 462).

"Confidential Informant"

Respondent argues that Appellant was dishonest when he told his supervisors that he had a "confidential informant" (CI). Sergeant Boyd's testimony regarding this informant was as follows:

Q: In fact there was a written CI package on this individual in some manner early on, way before this investigation began, wasn't there, that you are aware of?

A: Within the Carlsbad Police Vice Narcotics unit, yes.

Q: There was one within Carlsbad PD; right?

A: Yes.

Q: Detective Flores was working on that file as well; right?

A: He had a single entry in that file as far as I recall.

Q: So clearly he was aware that a CI file for this informant existed at least in some location; right?

A: Yes. (Tr. 175-76)

The record establishes that an informant existed and that a confidential informant file existed at minimum in "some location." Thus, the gravamen of Respondent's allegations must be, consistent with the notice of intent, that Appellant was dishonest specifically in claiming that he had a "confidential informant" *signed up with GTF*. To sustain this allegation, Respondent must

1 prove first that Appellant claimed that he had a “confidential informant” at GTF and second, that
2 he did so with the intent to deceive.

3 The record established the common interchange, and at some times, varying or mistaken
4 use of the terms, “Confidential Informant,” and “Informant.” For example, Sergeant Kearney,
5 who had no apparent motive to fabricate testimony, discussed how the use of the term,
6 “confidential informant,” would not necessarily lead him to conclude that an individual was
7 “signed up” through a formal process. (Tr. 214). Sergeant Kearney also described how the use of
8 the term may vary, depending on the officer. (Tr. 228).

9 Additional, and perhaps the most persuasive, evidence of accidental interchange or
10 variation in perceived meaning came from Sergeant Williams. In his Internal Affairs (IA)
11 transcript, Sergeant Williams refers multiple times to the fact that Appellant used the term,
12 “Informant,” (without the “confidential” qualifier) in his first meeting with him. (See *e.g.* RX
13 8b1, p. 7). Since no evidence suggests that Sergeant Williams intended to deceive the IA
14 investigator, it must be concluded either that Appellant did, in fact, only use that term,
15 “Informant,” in that first meeting, or that Williams really meant, “Confidential Informant,” but
16 accidentally interchanged or mistakenly used the term, “informant,” when talking with the IA
17 investigator. Indeed, even in testifying at hearing, Sergeant Williams, the only Respondent
18 witness to testify regarding the content of that first meeting, seemed to interchange the terms by
19 using “informant” again without the “confidential” qualifier:

20 Q. How did you respond?

21 A. I asked him how he learned the information of the location of Pedro Avalos.

22 Q. What did Officer Flores reply?

23 A. He stated that he had an **informant** who had overheard a telephone conversation between
24 another Carlsbad gang member and Pedro Avalos and that this **informant** had relayed to
25 Detective Flores that, by overhearing this conversation, the **informant** learned Pedro
26 Avalos was in Ensenada with his father.

27 Q. Did you respond to that statement?

28 A. Yeah. Yes.

Q. What did you say?

A. I asked Detective Flores, "Is this **informant** trustworthy? Is he credible?" And he says, "Yes, he is very credible. He is a very trustworthy informant." (Tr. 37) (emphasis added)

Considering Sergeant Williams' testimony, the record supports the following finding: contrary to Sergeant Williams' later assertions at hearing on cross examination, Appellant did *not* use the "confidential" qualifier in his first morning meeting with him on April 27. For purposes of discussion, *even if* Appellant had actually used the qualifier as averred in that first meeting, the preponderance of evidence does not support that its use would have been derived from Appellant's intent to deceive; rather, it would have come from inadvertent mistake, just as in the manner it was omitted by Sergeant Williams himself, throughout his IA interview, and in this proceeding.

While Respondent is not burdened with establishing any motive in these proceedings, the presence or absence of it can provide circumstantial evidence to the issue of credibility and whether Appellant would have intentionally misrepresented the facts regarding this issue. This circumstantial evidence further undercuts Respondent's position.

The first meeting stemmed from Appellant's spontaneous *volunteering* of information. Appellant would have had no motive to claim that this information was derived from a vetted and "signed up" CI, as opposed to just coming from a non-vetted informant. In closing brief, Respondent suggests that Appellant would have claimed to have had a CI "most likely to inflate his professional ego." This speculation is not supported. The record is devoid of any evidence of Appellant's proclivity in this regard. Moreover, Appellant had filed least one complaint against Sergeant Williams.⁹ Regardless of the merits of that complaint, with this background and the tension that may have existed between Appellant and Sergeant Williams, it is unreasonable to conclude that Appellant would have fabricated this detail to Sergeant Williams, of all people. Indeed, Appellant *admitted* to Sergeant Williams that passing the information to Sergeant

⁹ Chief Morrison testified that, as a result of Appellant's complaint, Sergeant Williams and Detective Hargett experienced "retraining" with respect to "getting along with others and playing well with others." (Tr. 418).

Williams had essentially slipped his mind. This behavior is not indicative of someone acting in furtherance of bolstering professional ego.

With Appellant having failed to use the term, “confidential,” in his first meeting with Sergeant Williams on April 27, he would have had no need to “cover any tracks” going into any subsequent meetings later that day. As of the second meeting with Sergeant Boyd, the evinced nature of the meeting as testified by Sergeant Boyd proves that Appellant was concerned only with his failure to share the information. (Tr. 147-48). Whether the informant was a bona fide vetted and signed up “confidential informant,” as opposed to “confidential source” or just plain “informant” would have been, and was, irrelevant during those later meetings.

With respect to the second and fourth meetings on April 27, Sergeant Boyd claimed that Appellant did use the qualifier, “confidential,” or otherwise used the term, “CI.” Given that Appellant sent an email on May 2 using the term, “CI” (RX 10), this record supports that Appellant likely used those terms in those later meetings on April 27. But as discussed with respect to the first meeting, the Appellant's use of any qualifying term or description in these later meetings is not found to be anything other than Appellant's interchange or nonspecific use in terminology. Appellant's use of the term was mistaken, at worst, and did not result from an intent to claim that the informant was, in fact, a vetted “confidential informant.” Appellant did not act with dishonesty or with the intent to deceive, when he used the term, “confidential informant.”

The existence of a file at GTF

As previously discussed, and contrary to Respondent's position, a CI file *did* exist, and its existence was established in part by Sergeant Boyd. (Tr. 175-76). Sergeant Boyd's testimony also supports and adds credibility to Officer Hoppe's previously discussed testimony regarding this informant, and it establishes that a CI file existed “in some location.” The issue remains as to whether Appellant knew that a CI file did not exist *at GTF*. Respondent argues that Appellant knew that a confidential CI file (that would be kept under lock and key) did not exist at GTF, because his efforts to sign up the informant initially had failed and that Appellant kept the file. (Tr. 630). Appellant's rebuttal is simply that he erred and, as in his IA interview statement, that

1 “there was no thought” in his statement that the file was at GTF and that the statement “came out
2 of thin air” (RX 9, p.48). The Hearing Officer must weigh the allegation and Appellant's rebuttal
3 in light of the surrounding circumstances. Ultimately, the testimony from Sergeants Williams
4 and Boyd, the absence of motive, and the sequence of events surrounding the fourth meeting of
5 April 27 all counter Respondent's assertions.

6 Sergeant Kearney's testimony supports that, in attempting to vet an informant, the
7 investigator maintains responsibility for the file until that informant is signed up. (Tr. 236-37).
8 Appellant testified that he approached Sergeant Miedecke with his paperwork regarding the
9 informant in early May in a second effort to sign him up. (Tr. 635). Sergeant Miedecke did not
10 counter this contention, either on direct or rebuttal testimony, that paperwork did exist at that
11 time. With Sergeant Miedecke also admitting to shredding documents at Appellant's desk
12 without conducting an inventory (Tr. 295-96), Respondent's argument that a file never existed by
13 virtue of the fact that one was never produced is not persuasive. The record supports that, a file,
14 or at minimum some paperwork which was being referred to as a file, did exist with respect to
15 this informant.

16 At some point during the fourth April 27 meeting, Appellant admits that he was asked to
17 provide the file regarding the informant and that he denied the request to provide the file because
18 of its confidential nature. (Tr. 564, 568). Appellant's denial was not necessarily unreasonable,
19 since whether the file was a CI file at Vice/Narcotics or at GTF, or paperwork he was cultivating
20 with respect to this informant at GTF, it would have nevertheless been confidential in nature.
21 Appellant was then instructed to write a report, and it was agreed that he would provide the
22 report on the following Thursday [May 3].

23 According to Appellant, it was when he was asked to provide his report sooner that he
24 asserted that he would be unable to do so, because, first, he was due in court from Monday
25 through Wednesday, and second, as he believed, the file was “locked up in the supervisor's
26 office.” (Tr. 568). This testimony is supported by Sergeant Williams, when he testified as
27 follows:

28 Q: And when you asked Officer Flores if he had prepared a report, what was his response?

A: **He said, “I’m sure I did. It’s in the notes, and it’s in the file.”**

Q: Do you know what file he was referring to?

A: I assumed he was referring to the informant file. . . . I said, “I want a copy of that report.” And he told me, “I can’t give you a copy of the report because it’s a GTF report.” . . . I said, “Then I want you to incorporate the facts of that report into an informational report for Carlsbad Police Department . . .” . . .

Q: And how did Officer Flores respond?

A: He said that he would do that. And **I asked him when I could get the information**, when he expected to get the information, and I believe we were - - the 27th was either a Thursday or Friday. And he looked at his phone and his calendar, and **he said he had court, I believe, Monday through Wednesday. So Thursday was the earliest he could get it to us.** During the discussion of the timing, **Sergeant Boyd said, “Overtime is authorized to get it, because the sooner is better with this information.” And Detective Flores explained that the file was under lock and key** and that his supervisor at the gang task force had to grant him access . . . (Tr. 49-50) (emphasis added)

The testimony establishes that it was *after* Sergeant Boyd mentioned that he would authorize overtime to expedite receiving Appellant's report, that Appellant also mentioned, in addition to his court conflicts, how the file was kept under “lock and key.”

The testimony establishes that, at the time Appellant claimed that the file was under “lock and key,” Appellant had already averred (1) that a file existed, (2) that he would refer to it in writing a report, and (3) that he would be unable to provide the report until Thursday, May 3. Following Respondent's argument, Appellant is already presumably “locked in” to his claim that a file exists and that he will have to provide a report based on it by the following week. It is difficult to understand why Appellant, at this point, would have had any motivation to claim an additional, unneeded, and *knowingly false* reason of his inability to provide the information any sooner (vis-a-vis, a file locked away), especially since Sergeants Williams and Boyd had already established the Thursday delivery date. Appellant would have had no motivation to make an additional *false* claim that the file was under lock and key at this point. Moreover, it is difficult to

1 understand what motive Appellant would have had to *continue* to claim after that meeting and
2 until the evening of May 1, that the file was locked away, especially when considering that the
3 Thursday May 3 submission date was not changed after Appellant made the statement about the
4 file being under lock and key. Indeed, if Appellant had fabricated the existence of a file as
5 Respondent suggests, he would have more reasonably submitted the same information he
6 ultimately submitted (RX 10) without also fabricating the need to access a file existing
7 specifically under lock and key.

8 Following that April 27 meeting, Appellant did contact both Sergeants Kearney and
9 Miedecke in an effort to access the confidential file. (Tr. 218, 276). While the record supports
10 Appellant's general competency, it is unlikely that Appellant would have been sophisticated
11 enough, or would have had the foresight necessary, to bolster his claim by calling two
12 supervisors in order to *feign* the fact that a file actually existed and that he believed such to be
13 the case. On the other hand, if, as Respondent contends, Appellant would have been
14 sophisticated enough to fabricate such urgent need for access to a file he knew did not exist, then
15 certainly he would have also had the sophistication to avoid contacting them *at all* and simply
16 generated the submitted report based on his own recollections. It is difficult to understand what
17 would have prevented Appellant, assuming he was as sophisticated as Respondent claims him to
18 be, from simply going back to the office and writing the report without alerting *anyone*.

19 Respondent argues that Appellant knew there was no file under lock and key as early as
20 the morning of May 1, and certainly by the time he wrote his report later that evening, by virtue
21 of his meeting with Sergeant Miedecke that morning and the fact that, in that meeting, he only
22 asked to sign up the informant and did not request to access the file. The record does not support
23 the timing of that meeting. Rather, the record supports that it occurred on May 2, *after* the
24 Appellant had already submitted the report.

25 Sergeant Miedecke contends that Appellant approached him on the morning of Tuesday,
26 May 1. (Tr. 292). However, Sergeant Miedecke's testimony conflicts with his own statements in
27 his IA interview, in which he was unsure whether Appellant had approached him on that
28 morning or on the morning of May 2, earlier in the day prior to Sergeant Miedecke's

1 conversation with Sergeant Boyd. (RX 8b1, p. 56) (“It was either that day or the day before.”).
 2 Sergeant Miedecke's testimony also conflicts with that of Sergeant Boyd, who said that
 3 Appellant had requested to “certify” the informant as a CI “that day, that Wednesday [May 2].”
 4 (Tr. 173). Statements made in IA interviews that later turn out to be incorrect may be the result
 5 of mistake and not necessarily the result of intentional fabrication, and no evidence suggests that
 6 Sergeant Miedecke did, or would have had any motivation to, fabricate statements during this IA
 7 interview. Nevertheless, with the corroborating testimony from Sergeant Boyd regarding
 8 Appellant's request to certify the CI on May 2, the conflicts between Sergeant Miedecke's
 9 testimony and his IA statements made earlier in time to the incidents at issue here cannot be
 10 ignored. With Appellant counter-claiming that the meeting occurred on May 2 (Tr. 634), and not
 11 on May 1, the Respondent has not established that this meeting occurred on May 1, further
 12 supporting Appellant in good faith believed that a locked file existed until he discovered it at his
 13 desk on the evening of May 1.

14 Respondent also argues that, by virtue of his statements in his IA interview, Appellant
 15 admitted that he knew a file did not exist under lock and key as of April 27. The interview
 16 portion cited by Respondent is repeated, but other portions are also replicated below in order to
 17 provide context:

18 A: . . . It, it, that, that was never my intentions at all. **A, did I intentionally try to mislead**
 19 **them? Absolutely not.** I, I've been regretting it the second it came out, and I, and I made
 20 a bad mistake for us.

21 Q: What have you been trying to regret? What bad mistake did you make?

22 A: The meeting with Sergeant Williams and **misleading him** about, the file, trying to buy
 23 myself some time. . . . (RX 9, p.47)

24 At this point, it is clear that Appellant is admitting only that things he said may have misled his
 25 superiors, not that he *intentionally* misled them. The Hearing Officer interprets Appellant's use of
 26 “buying time,” not as an admission, but rather, as with the location of the file, Appellant regrets
 27 *giving Sergeant Williams the impression* that he was attempting to “buy time.” And this
 28 interpretation is not inconsistent with Appellant's testimony that he was referring to the fact that

1 Sergeant Williams had agreed to a “time frame [in which to provide the report]” (Tr. 650), which
2 allowed Appellant the time to which he was referring. The questioning continued, along with the
3 use of the term, “misleading”:

4 Q: In an earlier part of our conversation you only said that you misled Sergeant Kearney
5 instead of saying that when you provided that information to Lieutenant Magro, Sergeant
6 Williams, and Sergeant Boyd, that you met, misled them as well regarding the, the
7 existence of a former confidential informant file?

8 A: In that meeting there wa (sic), it wasn't where **I said that it was gonna be. The file**
9 **wasn't in GTF locked up. I had it with me.**

10 Q: Wouldn't it have just been, just as easy to say, “I have the file with me, but I can't provide
11 you with this inf (sic), I want to talk to my supervisors at GTF prior to providing you
12 with the information?”

13 A: In **hindsight**, yes. . . .

14 Q: So did you feel that you had to mislead them in order to appease them later?

15 A: **No.**

16 Q: . . . to provide them the information?

17 A: **No.** By me saying that the file was at GTF. There **was no thought in that.** That was, that
18 came out of thin air. (RX 9, p. 47-48) (emphasis added)

19 At this point again, Appellant is not admitting an intent to mislead. Rather, he is admitting that
20 the file was not locked up at GTF as he believed it to be. Appellant's statement is no more
21 persuasive that he knew at the time that he had the file with him and stated otherwise than it is
22 that in hindsight, the file ended up being in his possession despite his sincere belief that the file
23 was locked away. At worst, given the complaints Appellant made against Sergeant Williams, the
24 statement was made recklessly in that April 27 meeting and as a result of the stress he may have
25 felt in that meeting with superiors. The questioning continues:

26 . . .

27 Q: So you told them that that a document exists, that never existed. **A file existed, that**
28 **wasn't the confidential informant file that only existed in your own possession.**

...

Q: Is that, is that accurate?

A: That was misleading, yes. (RX 9, p. 49) (emphasis added)

Again, the questions and answers do not prove with a preponderance that Appellant is admitting to intentional deception. The statements could just as easily be interpreted, given Appellant's prior answers, that yes, he made a statement that ended up proving to be false. Indeed, the statement actually corroborates Appellant's consistent testimony, in which he asserted that he believed that a file existed, that it was locked up, and that he ultimately realized on the evening of May 1 that he had it in his possession.

Until its discovery on the evening of May 1, Appellant believed in good faith that the file, or paperwork that was being referred to as a file, existed under lock and key at GTF. Whether Appellant's belief was rational or not does not establish Appellant's intent to convey false information. Dishonesty requires that the individual *knowingly* make a false statement with the intent to deceive. The act of dishonesty does not include making an erroneous statement without such knowledge and without the requisite intent to deceive. This record does not support, and this Hearing Officer does not find, that Appellant acted with the intent to deceive in claiming erroneously that the file was under lock and key.

Sharing information

To the extent that it is encompassed within the allegation of misleading Sergeant Williams about information pertinent to a homicide investigation, Respondent argues that Appellant was dishonest in relaying to whom he had provided information about the male informant in an effort to “cover for the fact that he waited over 52 days to provide the information” (Respondent Brief). Notwithstanding Officer Hoppe's testimony establishing that Appellant had relayed the relevant information sometime in March or early April (Tr. 452-53), Respondent's argument is belied by the fact that Appellant *admitted* to Sergeant Williams on April 27 to having forgotten to convey the information to him sooner. Even assuming Appellant had not told Officer Hoppe, he would have had no motivation to cover for anything at that point given his admission, and certainly no motivation to lie about *to whom* he had previously shared

1 the information. Appellant apparently even failed to recall that he had contacted Officer Hoppe;
2 thus, the record does not support with a preponderance of evidence anything but Appellant's
3 failure in memory and his good faith efforts to determine with whom he had shared the
4 information.

5 Other statements

6 Respondent alleges that Appellant made a number of dishonest statements in his IA
7 interviews, including whether he wrote a report from his recollection, his reason as to why he
8 failed to notify Sergeant Williams, whether he initiated the fourth meeting or whether he was
9 summoned, and whether he asked Sergeant Miedecke for access to a CI file. As discussed
10 previously, these proceedings are limited to specific allegations within the charging documents.
11 These allegations of dishonesty during Appellant's IA interview were not charged; thus, they are
12 not considered in this just cause analysis. To the extent Respondent argues that any
13 inconsistencies should impact Appellant's credibility, the Hearing Officer has considered these
14 statements in light of the totality of the record, and rejects that they derive from intent to deceive.

15 Appellant's stated to Sergeant Kearney that he wrote the report "from his recollection."
16 To be false, the statement must come from Appellant's intent to convey that he wrote the report
17 from *only* his recollection. With Appellant's admission that he had to access his notes with
18 respect to another female informant (Tr. 539-540), the Employer has not proved that Appellant's
19 report is completely devoid of having to rely on his memory in some aspect or another with
20 respect to his conversation with the male informant.

21 In Appellant's IA interview cited by Employer regarding the existence of a file, the
22 evinced line of questions and answers supports that Appellant was contending, not that no file
23 existed, but that he had nothing but scratch papers regarding the documentation of his
24 conversation with the male informant at issue here. Appellant answers the following question:

25 Q: So, no file, no **report** exists **where you actually documented the conversation . . . ?**

26 A: Nothing prior to that, no. (RX 9, p.27) (emphasis added)

27 Appellant's contention is consistent with the fact that he would have had to have relied on
28 his notes from the other female informant and on his memory that the conversation with the male

informant occurred on the following day or sometime thereafter (Tr. 539-40). It is possible that Appellant interpreted the question (and reasonably so) to apply, not necessarily to an entire file, but to a “report” in which he specifically documented the a conversation with the male informant. Moreover, Appellant would have had no reason to contend that a file *did not* exist, when, as Respondent recognizes, throughout the time frame of the April 27 conversations, he was contending the exact opposite. The answers to the line of questioning are not internally inconsistent or inconsistent with his testimony at hearing. Appellant was not dishonest in this line of questioning.

Respondent argues that Appellant lied about the reason for failing to provide the information to the COV unit. According to the Respondent, though Appellant claims multiple times that he had forgotten, Appellant contradicted this claim when testified that he failed to provide the information because of conflicts he was having with Sergeant Williams. (Tr. 540-41). However, a reading of the relevant line of questioning below leads this Hearing Officer to a different conclusion:

Q: In addition to telling Steve Chaco about the information on Petey Avalos' whereabouts, did you discuss the information that the informant provided you with a member of Carlsbad P.D.?

A: Yes.

Q: Who was that?

A: Eric Hoppe.

Q: And do you know about when you discussed that with Hoppe?

A: It had to be around the same time of this report, the date in the report, anyway.

Q: Okay. The date being March 7th?

A: Somewhere around there, yes.

Q: Okay. **Why did you discuss the information with Hoppe as opposed to going directly to Crimes of Violence unit and discussing it with them?**

A: A couple of reasons. Hoppe was my counterpart at the gang task force. He was the in-house gang detective. Hoppe had given me this informant. Him and Hoppe had a close

1 relationship. I knew they still kept in contact. So when I called Hoppe to see if he may
2 have heard the same thing from the guy, he hadn't, so we talked about it. And because
3 Lowe was already aware of all the conflict that came out of the relationship with COV,
4 we had made the determination that any information -- most of the information flowed
5 through Eric just to make it seamless and it wouldn't be scrutinized. So Eric was the one.
6 (Tr. 540-41)(emphasis added)

7 The transcript reveals that Appellant was answering only as to why he *initially* went to Officer
8 Hoppe as opposed to going directly to the COV unit. Neither the question as posed, nor the
9 response, discounts Appellant's consistent claim that he also *subsequently* forgot to convey the
10 information to Sergeant Williams after being suggested to do so by Officer Hoppe. Nothing
11 contradicts Appellant's contention that he ultimately forgot as claimed.

12 The evidence establishes, through the testimony of Sergeant Williams and Sergeant
13 Boyd, that the fourth meeting was called, possibly by Lieutenant Magro, specifically to discuss
14 the information related to the alleged informant. (Tr. 45-46; 149). Respondent argues that
15 Appellant claims at hearing that he was summoned to the fourth meeting with Sergeant Boyd and
16 Lieutenant Magro but that, in his IA interview, Appellant contends that *he* initiated the meeting
17 because of hostile environment being cause by Sergeant Williams and Detective Hargett (EX 9,
18 p. 17). Appellant's contention in his IA interview of whether he initiated meeting with Sergeant
19 Boyd or whether he was summoned would have been ultimately of no consequence at that time
20 he was interviewed. Any discrepancies are attributed to a failure in memory only or possibly to
21 Appellant's recollection that he would have wanted to discuss the issue of his alleged "hostile
22 environment" while in that meeting. The record does not support Appellant's intent to deceive on
23 this issue, and the discrepancy does not negatively impact his credibility.

24 With respect to the IA questioning relating to Appellant's request for access to files, the
25 line of questioning cited by Respondent is as follows:

26 Q: Um, at any time did you contact Sergeant Miedecke and ask him for access to the
27 confidential informant file?

28 A: No. Access to, no. We talked about files, but I didn't ask him to access. (EX 9, p. 25)

Respondent argues that these statements in his IA interview contrast with Appellant's testimony, in which he states that he *did*, in fact, contact Sergeant Miedecke to ask for access to a CI file on May 1 (Tr. 650). But examination of the IA transcript directly following the question and answer cited by Respondent reveals the following:

Q: And what did you, what was your conversation with Sergeant Miedecke about the file?

A: That conversation with Sergeant Miedecke was, I told him what I had. I had the same guy that he's been aware of. I tried to sign him up once before, but he got deported. So I didn't, so I, I returned the CI number. So I was goin' through the process of signing this guy up, and, at the G.T.F. I told Sergeant Miedecke what I had, and Sergeant Miedecke said, "Well, we're not going to sign him up, but you can keep a file on him." And so that's what I did. That's what I continued to do. (EX 9, p. 25)

When Respondent-cited portions are read in proper context of the questions and discussion that follow, it is clear that Appellant is discussing, *not* his attempts via text (Tr. 276) to access the file, but rather whether he attempted to access the file during his first and second conversations he had with Miedecke when attempting to sign up the informant. Sergeant Miedecke corroborates this testimony in describing how Appellant tried to vet the informant initially but later had to return the CI number, when he discovered that the male informant had been deported to Mexico. (Tr. 278-79). Sergeant Miedecke also corroborates that Appellant did attempt to sign up the informant again in that May meeting. (Tr. 277). Appellant, in his IA interview would have had no reason to deny that he attempted to contact Sergeant Miedecke to access a file, especially given that the truth of that assertion could be easily tested. Appellant's answer in the IA interview evinces only Appellant's line of thought regarding his multiple attempts to open a CI file with this informant. It does *not*, as Respondent contends, contradict Appellant's testimony that he attempted to contact Miedecke in order to access paperwork, which he believed was locked away.

The report (RX 10)

As a final substantive matter, combined with Sergeant Kearney's ultimate approval of the report submitted by Appellant (RX 10), the record does not support that information contained

1 therein was misleading, false, or inaccurate. Even if the report contained inadvertent
2 discrepancies with respect to whether the informant was called a “CI” or “CS,” or inaccuracies
3 with respect to specific time frames (Appellant's use of “on or about”), Sergeant Kearney
4 reviewed that same report and approved it. To terminate Appellant's employment based on these
5 same discrepancies would be an arbitrary imposition of discipline and not for just cause.

6 In sum the record supports that, in the midst of what appears to be a series of
7 miscommunications, Appellant made a good faith effort to provide information requested from
8 superiors, information which he initially believed was contained in a secure file in his
9 supervisor's office. To the extent that Appellant has violated any code of conduct within the
10 Carlsbad Police Department (EX 5), only Policy 340.3.5(c) is implicated through Appellant's
11 oversight by not notifying Sergeant Williams regarding the information from the male informant
12 sooner in time to when he discovered it. Appellant's realization that he forgot to convey the
13 information (or had a “brain fart” as he described) conveys his knowledge that he needed to do
14 so. However, the extent of this oversight is mitigated by the fact that Appellant did convey this
15 information to another officer, in this case Officer Hoppe, who had ties to this informant and by
16 the fact that Officer Hoppe conveyed this information and Appellant's involvement to Sergeant
17 Williams at the time he (Officer Hoppe) learned of it. (Tr. 450, 454). In other words, Sergeant
18 Williams already had the same information about Avalos’ potential movement to Mexico before
19 the April 27 meeting in which Appellant shared that information. What the Appellant disclosed
20 was not new information. Hoppe’s testimony gives rise to a question as to why Sergeant
21 Williams, upon now hearing the same information from Appellant, did not tell Appellant that he
22 already received the information from Officer Hoppe. It is possible that Sergeant Williams, in
23 failing to understand how Appellant had received this information (Tr. 36-37), had forgotten
24 about receiving the information from Officer Hoppe. And if so, Appellant’s alleged policy
25 violation through any alleged inefficiency or incompetency is comparable to Sergeant Williams
26 forgetting this information, thereby contributing to the ensuing confusion in communications. No
27 evidence supports that Sergeant Williams was ever disciplined regarding his forgetfulness here.

Thus, any resulting discipline for this Policy violation given these facts would be arbitrary and not for just cause. Respondent has failed to sustain its burden on all charges.

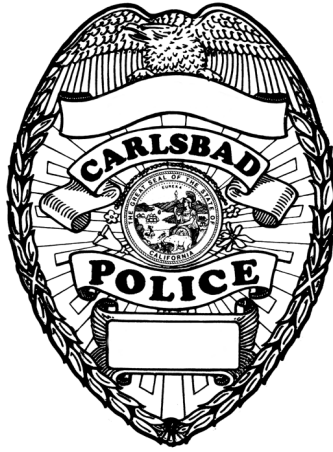
ADVISORY AWARD

1. Appellant was not terminated for just cause.
2. Appellant is to be reinstated with back pay and all benefits.
3. Any back pay shall be adjusted for any interim income where such income would not have been realized but for Appellant's separation from employment.
4. Appellant's personnel records shall be modified in a manner not inconsistent with this Award.



Michael Prihar,
Hearing Officer
Date: February 23, 2014
Los Angeles, California

CARLSBAD POLICE DEPARTMENT



INTERNAL AFFAIRS INVESTIGATION

IA CASE #: 12-17

EMPLOYEE(S): Officer Jesse Flores #5355

INVESTIGATOR(S): Sgt. Jason Jackowski #5237

CONFIDENTIAL

THE CONTENTS OF THIS INVESTIGATION ARE PROTECTED UNDER
THE PROVISIONS OF CALIFORNIA PENAL CODE § 832.7

CONFIDENTIAL

**CARLSBAD POLICE DEPARTMENT
INTERNAL AFFAIRS INVESTIGATION #12-17**

TABLE OF CONTENTS

- 1.** Investigative Narrative
- 2.** Transcription of Interview with Officer J. Flores
- 3.** Notices and Scripts
- 4.** Supervisor's Complaint Summary
- 5.** Notice of Paid Administrative Leave and Related Orders
- 6.** Email and Report from Officer J. Flores to Sgt. Williams, Sgt. Boyd, Lt. Magro

CONFIDENTIAL

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CONFIDENTIAL

CARLSBAD POLICE DEPARTMENT INTERNAL AFFAIRS INVESTIGATION #12-17

Date Opened: 05/03/2012
Date of Incident: 04/27/2012
IA Case #: IA12-17
Related Case: N/A
Complainant: Sergeant Chris Boyd
Investigator(s): Sergeant Jason Jackowski
Personnel Involved: Officer Jesse Flores

INTRODUCTION

On 05/03/2012 I was contacted by Sergeant Greg Koran. He stated that he had received a *Supervisor's Complaint Summary* (attached) that had been written by Sergeant Chris Boyd. Sgt. Koran stated that he had received the complaint in person from Lt. Matt Magro and Captain Bill Rowland. Sgt. Koran stated that the complaint outlined an allegation of providing misinformation and untruthfulness on the part of Officer Jesse Flores to Carlsbad Police Department supervisors. Officer Flores is currently assigned to the North County Gang Task Force.

Sgt. Koran advised me that Capt. Rowland had advised him that Officer Flores was to be immediately placed on paid administrative leave while the allegations were investigated. I contacted Officer Flores and ordered him to report to my office at the Carlsbad Police Department. Officer Flores responded and I read to him and had him read the *Notice of Paid Administrative Leave and Related Orders* (attached). Officer Flores stated that he understood the orders and signed and dated the memo. I provided him with a copy of the memo.

METHODOLOGY

Interviews of the involved personnel and listed witnesses were conducted in person in my office and digitally recorded. The recordings were saved to computer and transferred to disc.

The following items were collected and reviewed as part of this investigation:

Item 1: *Supervisor's Complaint Summary*

Item 2: Email dated Wednesday, May 02, 2012 7:23 AM sent from Jesse Flores to Chris Boyd, Mickey Williams, Matt Magro and Bryan Hargett

Item 3: Email attachment containing report titled *CI contact report 11-1853*

Item 4: Supplemental narrative completed by Sgt. Greg Koran

SUMMARY OF ALLEGATIONS – OFFICER

Sgt. Boyd alleges that Officer Flores provided misinformation and was untruthful to a supervisor(s). If true, this is a violation of the following Carlsbad Police Department Policies:

Officer Flores

Allegation 1

Policy 340 § 340.3.5 (i) - PERFORMANCE

*The falsification of any work-related records, the **making of misleading** entries or **statements with the intent to deceive**, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.*

Allegation 2

Policy 340 § 340.3.5 (ad) - PERFORMANCE

Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

Based on the investigation, it is also alleged that Officer Flores was delinquent in providing information regarding the possible whereabouts of a wanted homicide suspect to department investigators. If true, this is a violation of the following Carlsbad Police Department Policy:

Allegation 3

Policy 340 § 340.3.5 (c) - PERFORMANCE

Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

EVIDENCE AS TO THE ALLEGATIONS

Interview of Sergeant Mickey Williams (Witness)

On 05/07/2012, at approximately 1416 hours, I interviewed Sgt. Williams. The interview was conducted in my office. No one else was present during the interview. The interview was digitally recorded. Sgt. Williams told me essentially the following:

1 Sgt. Williams stated that on 04/27/2012 at about 0900 hours he had a meeting with Detective
2 Bryan Hargett, DA investigator Christie and US Deputy Marshal Jose Olivares. He said the
3 meeting was to discuss attempting to locate a homicide suspect by the name of Pedro "Petey"
4 Avelos, who had fled to Mexico.

5
6 Sgt. Williams said that when the meeting concluded he walked Deputy Marshal Olivares
7 downstairs and then returned to the meeting area in the detective bureau. When Sgt. Williams
8 arrived he overheard Officer Flores say to Detective Hargett and DAI Christie, "He's in Ensenada
9 with his Dad." Sgt. Williams asked Officer Flores to repeat what he had said and Officer Flores
10 stated that Petey was in Ensenada with his Dad. Sgt. Williams asked Officer Flores how he
11 knew this and Officer Flores responded, "An informant told me." Sgt. Williams then asked him
12 when he spoke to the informant and Officer Flores responded, "Within the last 30 days."

13
14 Sgt. Williams then asked Officer Flores what he had learned from his informant and Officer
15 Flores stated that his informant was standing next to another gang member named Angel
16 Martinez. Martinez was talking on a Nextel phone and the informant heard information that
17 Petey was down in Ensenada with his Dad.

18
19 Sgt. Williams said that he told Officer Flores that this was useful information and that if he had
20 provided it sooner Sgt. Williams would have been able to try to track down the suspect in
21 Ensenada. According to Sgt. Williams, Officer Flores then stated that it wasn't his intention to
22 "slow you guys down." Sgt. Williams then asked Officer Flores if he had relayed this
23 information to anyone. Officer Flores stated that he relayed it to a US Deputy Marshal. Sgt.
24 Williams asked him what marshal and Officer Flores then opened his phone and appeared to be
25 searching for a name then stated that he couldn't remember his name and he must have
26 deleted the information. Sgt. Williams said that he then asked Officer Flores if he gave the
27 information to anyone but that marshal and Officer Flores responded, "No."

28
29 I asked Sgt. Williams if Officer Flores ever told him why he would contact someone from the
30 Marshal's Office and not someone from our own agency and Sgt. Williams said, "No." Sgt.
31 Williams said that he then told Officer Flores to try to identify the marshal that he provided the
32 information to. Sgt. Williams said that he was concerned that there would be two marshals
33 attempting to locate the same suspect but not aware that they were both conducting the same
34 investigation. Sgt. Williams said that Officer Flores then left.

35
36 Sgt. Williams said that Officer Flores returned to his office a few hours later and told him that
37 the US Deputy Marshal was named (Steve) Roncone. He also stated that he "might have told"
38 DAI Christie the information. Sgt. Williams said that he was familiar with Deputy Marshal
39 Roncone. After Flores left Sgt. Williams' office, Sgt. Williams said that he called Steve Roncone
40 and Roncone told him that not only had he not spoken to Officer Flores regarding this
41 investigation but that he had also not spoken to Officer Flores' partner, Steve Chaco who is also
42 a US Deputy Marshal.

1 Sgt. Williams said that he then called DAI Christie to determine if he had heard the information
2 from Officer Flores previously. DAI Christie told Sgt. Williams that the first time he had heard
3 the information was at the morning meeting attended by himself, Detective Hargett and Sgt.
4 Williams. DAI Christie also told Sgt. Williams that Officer Flores had called him just prior to Sgt.
5 Williams calling him. DAI Christie told Sgt. Williams that Officer Flores asked him "Didn't I tell
6 you that before?" and DAI Christie responded that he had never heard that information before.
7

8 Sgt. Williams said that later in the afternoon on April 27, there was a meeting with Lt. Matt
9 Magro in his office attended by himself, Officer Flores and Flores' supervisor Sgt. Chris Boyd. At
10 the meeting Officer Flores was asked why he didn't relate the information from the informant
11 to anyone from Carlsbad PD and Officer Flores responded, "It was just a brain fart."
12

13 Sgt. Williams then discussed the inability of Officer Flores to recall which US Marshal he had
14 provided the informant information to. Officer Flores then stated that it was Chaco (Officer
15 Flores' partner at GTF) that he had relayed the information to and Chaco told Roncone. Sgt.
16 Williams questioned how Officer Flores could have forgotten that he had given the information
17 to his own partner. Sgt. Williams said that when he initially asked Flores who he had told,
18 Flores opened his phone as if looking for a number or contact that he was unfamiliar with. Sgt.
19 Williams also stated that he had spoken to Roncone and Roncone stated that he never heard
20 the information from anyone. According to Sgt. Williams, Officer Flores then stated that he told
21 Chaco and Chaco said that he was going to tell Roncone.
22

23 During the meeting Sgt. Williams also asked Officer Flores if he wrote a report when he
24 debriefed the informant after hearing the information about the location of the homicide
25 suspect. Officer Flores then told him, "I'm sure I did. It's in the notes in the file." Sgt. Williams
26 then asked for a copy of the report or notes. Officer Flores responded that he couldn't provide
27 it because it belonged to GTF. Sgt. Williams said that he told Officer Flores to complete a CBPD
28 report based on the information in the informant file. Sgt. Boyd then suggested that Officer
29 Flores obtain a copy of the information in the informant file and redact any specific information
30 referring to the informant. Officer Flores said he would complete a report.
31

32 Sgt. Williams then asked Officer Flores when he would have the report completed. Officer
33 Flores said that he couldn't turn the report in until Thursday (the meeting was on a Friday).
34 Officer Flores said that he had court during the first part of the week and that the informant
35 files were under lock and key at GTF and could only be accessed by supervisors. The meeting
36 then ended.
37

38 Sgt. Williams said that he went home over the weekend and was thinking about the issue. He
39 said that it concerned him that multiple US Marshals would be working on this case and it could
40 make CBPD look bad. He said he contacted Sgt. Boyd during the weekend and told him that he
41 needed the report sooner. Sgt. Boyd told him that he would talk to Officer Flores and try to get
42 the report sooner.
43

1 Sgt. Williams said that he received an email and an attachment (*see attached*) from Officer
2 Flores on May 2, 2012. Sgt. Williams said that he immediately noticed a discrepancy with what
3 Officer Flores had told him earlier. Sgt. Williams said that the report detailed the information
4 being heard by the informant "on or about March 7". Previously, Officer Flores told Sgt.
5 Williams that this had occurred within the past 30 days but the date on the report was nearly
6 two months ago. Sgt. Williams said that after reading the report he was unsure of the accuracy
7 of it. After initially being told by Officer Flores that he had written a report after receiving the
8 information, and now the date in the report was ambiguous, Sgt. Williams said that he felt that
9 Officer Flores was being untruthful about originally writing a report. He said that he did not
10 want investigators relying on a faulty incident report to obtain a search warrant for phone
11 records. Sgt. Williams said that the most basic, but important information was missing from the
12 report. He said that the date and time the phone call took place that the informant overheard
13 was not in the report. He said that information would be essential to tracking down the phone
14 call to Mexico to locate the suspect. Sgt. Williams asked Sgt. Boyd to confirm with GTF the
15 accuracy of the information in the report.

16
17 Sgt. Williams said that he talked to Sgt. Boyd after he returned from GTF. Sgt. Boyd told him
18 that there was no more information to be obtained because there wasn't a file at GTF for that
19 informant. I asked Sgt. Williams if the indication he got from Officer Flores during the previous
20 meeting was that the informant he referred to was a "formal, signed-up, working informant".
21 Sgt. Williams said that Officer Flores stated "specifically" that he was. Sgt. Williams stated that
22 Officer Flores told him that the reason he couldn't complete the report was because he needed
23 access to the informants file that could only be accessed by GTF supervisors.

24
25 I asked Sgt. Williams for his theory on why Officer Flores would be untruthful regarding any of
26 the information he provided or reports that he completed. He stated that in his opinion it was
27 because he walked up on a conversation that Officer Flores did not expect him to walk up on.
28 When Officer Flores was speaking to Detective Hargett and DAI Christie, Sgt. Williams
29 overheard the information regarding the homicide suspect and pressed Officer Flores for more
30 detail. Sgt. Williams believed that Officer Flores knew that not providing that information in a
31 timely manner and not initially completing a report showed poor work performance. Sgt.
32 Williams felt that Officer Flores was unprepared to answer questions regarding specific details
33 of the information provided by the informant. Therefore, when he was questioned he began to
34 say things that weren't true. Sgt. Williams questioned how a detective (Officer Flores) could
35 have information regarding a homicide suspect and not follow-up on that information.

36
37
38 ***Interview of Sergeant Chris Boyd (witness)***

39
40 On May 8, 2012 at approximately 1106 hours, I interviewed Sergeant Chris Boyd. The interview
41 was conducted in my office. No one else was present during the interview. The interview was
42 digitally recorded. Sgt. Boyd told me essentially the following:

1 Sgt. Boyd said that he was contacted on April 27, 2012 by Officer Flores in the Vice-Narcotics
2 Office. Sgt. Boyd stated that Officer Flores told him that he had a conversation with Sgt.
3 Williams regarding information that he had received from an informant and that it was "going
4 to be a problem" because he (Flores) had not forwarded that information in a timely manner.
5

6 Officer Flores then told him that the information concerned the whereabouts of a Carlsbad PD
7 homicide suspect who was in Ensenada. Officer Flores characterized this lapse as a "brain fart"
8 to Sgt. Boyd. Sgt. Boyd said that Officer Flores told him that the manner in which Sgt. Williams
9 reacted when hearing the late information made him (Flores) realize that this was going to be a
10 "problem". Sgt. Boyd also stated that Officer Flores told him that he had relayed the
11 information from the informant to someone at GTF. Sgt. Boyd stated that he did not recall a
12 name but does remember Officer Flores saying that it was a US Marshal.
13

14 Sgt. Boyd said that later that same day Sgt. Williams approached him and discussed Officer
15 Flores not passing on the information about the homicide suspect in a timely manner. Sgt.
16 Boyd said that he discussed the issue with Lt. Magro and they decided to have a meeting to
17 resolve the issue.
18

19 Later in the afternoon Sgt. Boyd, Sgt. Williams, Lt. Magro and Officer Flores met in Lt. Magro's
20 office. I asked Sgt. Boyd if Officer Flores offered any excuse for failing to pass on the
21 information and Sgt. Boyd stated that Officer Flores said it was inadvertent or unintentional and
22 once again described it as a "brain fart". I asked Sgt. Boyd if Officer Flores mentioned during
23 the meeting who he passed the information on to. According to Sgt. Boyd, Officer Flores
24 identified two US Marshals, Roncone and Chaco.
25

26 I asked Sgt. Boyd if Officer Flores made it clear to him at the meeting that the informant being
27 discussed was an active, formal confidential informant working for GTF. Sgt. Boyd responded,
28 "Yes." Sgt. Boyd stated that Officer Flores had told him previously that the subject was a
29 confidential informant, that Officer Flores had provided him the name of the informant and
30 that the informant was previously an informant for Carlsbad PD's Vice-Narcotics Unit. Sgt. Boyd
31 also stated that Officer Flores had met with him in the past six to twelve weeks and specifically
32 asked for that subjects CI file. During that meeting Sgt. Boyd said that Officer Flores told him
33 that the informant was "signed-up" with GTF as an informant.
34

35 Sgt. Boyd stated that during the meeting on April 27th he asked Officer Flores if he had
36 documented his contact with the CI regarding the information on the homicide suspect. Officer
37 Flores told Sgt. Boyd that he had documented that contact in a CI contact report. Sgt. Boyd
38 asked Officer Flores if he could get a copy of that report. Officer Flores said that he didn't have
39 access to the report and it required access by a GTF supervisor. Sgt. Boyd then asked Officer
40 Flores if he could provide a redacted copy of the contact report removing any sensitive
41 information. Officer Flores said he could get the report but that the earliest he could provide it
42 would be the following Thursday due to court commitments.
43

1 Sgt. Boyd said that he received a text message from Officer Flores on May 1st telling him, "They
2 will have it 1st thing in the morning." Sgt. Boyd said that Officer Flores had drafted a document
3 based on his recollection of the events but that he was still unable to access the CI file due to
4 the unavailability of GTF supervisors. Sgt. Boyd said that Officer Flores told him that the report
5 may not be "100% accurate." Sgt. Boyd said that he encouraged Officer Flores to attempt to
6 gain access to the file because the original report would provide the highest level of detail and
7 accuracy.

8
9 Sgt. Boyd said that he had a conversation with Officer Flores prior to receiving the text message
10 where Officer Flores told him that he was attempting to have Sgt. Kearny meet him at GTF to
11 access the file. After receiving the text message, Sgt. Boyd believed that Officer Flores made
12 contact with Sgt. Kearny and that he was going to provide him access to the file and the report
13 would be written based on that.

14
15 Sgt. Boyd said that he received a written report and an email from Officer Flores on May 2nd. I
16 asked Sgt. Boyd about a specific sentence in the email that states, "The CI and other
17 information provided by the CI has been used in recent affidavits to begin the wire tap for our
18 upcoming case." I asked Sgt. Boyd if in his opinion someone would have to have been formally
19 signed-up as a confidential informant to use their information in an affidavit for a search
20 warrant. He stated, "if they are a CI, absolutely yes."

21
22 Sgt. Boyd stated that he then reviewed the attachment to the email which was a report (*see*
23 *attached*) written by Officer Flores and reviewed by Sgt. Kearny. Sgt. Boyd said he had concerns
24 with the report because it seemed "overly vague". Sgt. Boyd said he was also concerned that
25 Officer Flores had not actually documented the contact with the informant. Sgt. Boyd stated
26 that he was still under the belief that the informant was signed up with GTF as an informant but
27 that maybe Officer Flores had failed to document the contact. Sgt. Boyd said that Officer Flores
28 referred to the subject in the email as a confidential source, but based on his knowledge the
29 terms confidential informant and confidential source were interchangeable and Federal law
30 enforcement tended to use the term "source".

31
32 I then asked Sgt. Boyd if he had any conversations with the sergeants at GTF. He said that he
33 did and that he met Sgt. Kearny and Sgt. Miedecke at GTF on May 2nd in hopes of reviewing the
34 CI file to gain more information to assist the investigation into the homicide suspect. Sgt. Boyd
35 said that he learned from the GTF sergeants that the informant in question was not currently a
36 CI with GTF and never had been. Sgt. Boyd said that he was told that Officer Flores had
37 attempted to sign up the subject "a couple of months previously", had been assigned a CI
38 number but later was denied informant status due to the subject residing in Mexico.

39
40 I asked Sgt. Boyd if a subject is rejected as a CI, is there still documentation or reports retained
41 under that CI number. Sgt. Boyd said that it was his understanding during that conversation
42 that there never was any paper documentation of the CI that Officer Flores was attempting to
43 sign up and that the CI number was later re-assigned to another detective.

1 Sgt. Boyd stated that he also learned from Sgt. Miedecke that Officer Flores had attempted to
2 sign up the subject as a CI again on the morning of May 2nd, just a few hours prior to Sgt. Boyd's
3 meeting at GTF. This appeared to Sgt. Boyd as an "overt act" on Officer Flores' part to "cover
4 his tracks". Sgt. Boyd stated that Officer Flores had told himself, Sgt. Williams and Lt. Magro
5 that the subject was working as a confidential informant for GTF and that he had documented a
6 prior contact with the CI, when in fact neither of these statements was true.

7
8 Sgt. Boyd said he checked the CBPD confidential informant file for the subject to determine if
9 there were any entries by Officer Flores. Sgt. Boyd stated that the only entry was a notation by
10 Officer Flores on January 26th that the informant was going to be handled by him at GTF. I
11 confirmed that there were no contact reports or case initiations where the informant was used
12 and Sgt. Boyd said, "None whatsoever."

13
14 I asked Sgt. Boyd if he had any other information that he felt would be beneficial to this
15 investigation. He stated that based on Officer Flores' experience level and his three years of
16 experience working with informants at the Gang Task Force that his statement regarding the
17 subject being a confidential informant was not a mistake but an "outright lie". Sgt. Boyd said
18 that it also calls into question whether the original conversation between the subject and
19 Officer Flores concerning the location of the homicide suspect actually ever took place.

20
21
22 ***Interview of Lieutenant Matt Magro (witness)***

23
24 On May 7, 2012 at approximately 0940 hours, I interviewed Lt. Matt Magro. The interview was
25 conducted in my office. No one else was present during the interview. The interview was
26 digitally recorded. Lt. Magro told me essentially the following:

27
28 Lt. Magro said he was approached by Sgt. Boyd about needing a meeting with Sgt. Williams and
29 Officer Flores regarding information that Officer Flores had provided from a CI concerning the
30 location of a homicide suspect in Mexico and how the information was not relayed in a timely
31 manner.

32
33 Lt. Magro said he met with Sgt. Boyd and Sgt. Williams prior to Officer Flores being present. Lt.
34 Magro said Sgt. Williams relayed the conversation he had with Officer Flores about the
35 information from the informant and how Officer Flores had shared the information with a US
36 Marshal. Lt. Magro recounted the information about how Sgt. Williams attempted to track
37 down the Marshal (Roncone) who heard the information, but verified that he had not been told
38 anything. Lt. Magro also stated that Sgt. Williams told him that once he told Officer Flores it
39 was not Roncone, Officer Flores stated that it was his partner Chaco.

40
41 Lt. Magro said that they then had a meeting with Officer Flores. He said he talked to Officer
42 Flores about the confusion of which US Marshal he relayed the information to and how he
43 couldn't remember that the person he told was his own partner. Lt. Magro said that there was
44 a back and forth regarding that issue but that nothing was ever clarified. Lt. Magro said that

1 Officer Flores only said he had a "brain fart" about not forwarding the information in a timely
2 manner to anyone from COV.

3
4 Lt. Magro said that Sgt. Boyd asked Officer Flores if he completed a written report documenting
5 the contact. Lt. Magro said that Officer Flores responded, "I'm sure I did." Lt. Magro said that
6 Officer Flores was asked for a copy of the report and Officer Flores said he couldn't provide one
7 because it's GTF policy. Officer Flores then told Lt. Magro that he could write a stand-alone
8 report. Lt. Magro said they tried to explain to Officer Flores that they needed the information
9 from the report to write an affidavit for a search warrant to get phone records. According to Lt.
10 Magro, Officer Flores again stated that he would write a stand-alone report. Lt. Magro said that
11 when they discussed when the report would be completed, Officer Flores explained how he
12 needed a GTF sergeant to allow him access to the CI files. Lt. Magro said that he later received
13 the email from Officer Flores with the attached reports. He said he also had concerns about the
14 vagueness of dates and details.

15
16 Lt. Magro said he then had a conversation with Sgt. Boyd about going over to GTF to attempt to
17 review the CI file themselves. Lt. Magro determined that Sgt. Boyd should go on his own. Sgt.
18 Boyd later relates to Lt. Magro that he went to GTF and there is no informant file. Lt. Magro
19 said he confirmed with Sgt. Boyd that he asked about the same subject they had been
20 discussing all along and Sgt. Boyd confirms he had. Lt. Magro said that the name of the
21 informant was discussed early on in their conversations and that Officer Flores himself had
22 identified the informant by name.

23
24 Lt. Magro also stated Officer Flores sent an email (previously discussed in Sgt. Boyd's interview)
25 saying that the CI was being used in affidavits for wiretaps when he (Flores) knew that the
26 subject is in fact not an informant. Lt. Magro stated that the way Officer Flores conveyed the
27 information to them (himself, Sgt. Boyd and Sgt. Williams) led them to believe that the subject
28 was a formal confidential informant working for GTF. Lt. Magro said that his belief was based in
29 part on Officer Flores' contention that he had documented a contact with the CI and that this
30 information was in a file accessible only by a GTF supervisor.

31
32
33 ***Interview of Sergeant Mike Kearny (Escondido PD/North County Gang Task Force)***

34
35 On May 9, 2012 at approximately 0913 hours, I interviewed Sgt. Mike Kearny. The interview
36 was conducted in my office. No one else was present during the interview. The interview was
37 digitally recorded. Sgt. Kearny told me essentially the following:

38
39 Sgt. Kearny said that he received a text message from Officer Flores on Monday, April 30th
40 asking for access to the CI file. Sgt. Kearny responded that he was on his day off but if he
41 absolutely needed access he could meet him at GTF. Sgt. Kearny said that Officer Flores then
42 called him and explained that he needed notes from a CI file to refresh his memory to complete
43 a report. Sgt. Kearny said he told Officer Flores that if his department was asking for it he

1 would be more than happy to come in and meet Officer Flores. Sgt. Kearny said that Officer
2 Flores told him not to worry about it and "we'll just do it later."

3
4 I asked Sgt. Kearny if Officer Flores asked him the following day to access the CI file and Sgt.
5 Kearny replied, "Actually he didn't". Sgt. Kearny said that Officer Flores emailed him a report
6 and asked him to review and approve it. Sgt. Kearny said that he was busy that day having just
7 returned from vacation and that he didn't get a chance to review it. Sgt. Kearny said he went
8 home and received either a text or email from Officer Flores asking him if he had an
9 opportunity to review the report. He said he didn't but if he emailed it to him he would look at
10 it. Sgt. Kearny said he checked his email and the report was there.

11
12 He said as he was reviewing the report he recalled that Officer Flores had repeatedly told him
13 during their phone conversation that the report was based on "the best of his recollection" and
14 that it had occurred some time ago. Sgt. Kearny said he felt this was odd that he kept stressing
15 that point and questioned, "Why wouldn't you write a report that was based on the best of
16 your recollection?" Sgt. Kearny also felt it was odd that the report was so short and very
17 generic. He said that he had Officer Flores correct some minor grammar and punctuation
18 issues then approved the report and sent it back.

19
20 I asked Sgt. Kearny if he knew if Officer Flores ever accessed the CI file prior to completing the
21 report he reviewed. Sgt. Kearny said that he never gave Officer Flores access and that in his
22 conversations with the other GTF Sergeant Scott Miedecke, he didn't access the file for Officer
23 Flores either.

24
25 I asked Sgt. Kearny what his perception of a confidential source is and he said the term can be
26 interchangeable with confidential informant but that he felt that someone referring to a source
27 is referring to something less than a formal informant.

28
29 I asked Sgt. Kearny about the email sent by Officer Flores to CBPD supervisors referring to the
30 current use of the CI in affidavits for wiretaps. I specifically asked him if it was the practice or
31 policy of the GTF to use informant information for affidavits if the subject wasn't a formal CI.
32 Sgt. Kearny responded, "Not that I know of." and that he was basing his answer on his tenure at
33 GTF that was in excess of one year. He stated that it didn't appear to him that would be their
34 policy to use an informant that had not been approved by GTF supervision and officially signed-
35 up.

36
37 I asked Sgt. Kearny if he was aware of any ongoing cases where the subject was currently being
38 used and Sgt. Kearny responded, "Not that I know of." I referred to the subject by name and
39 Sgt. Kearny said that he had never heard the subjects name before. Sgt. Kearny said that he
40 believes the person exists but that I would need to speak to Scott (Miedecke) because Officer
41 Flores had conversations with him a few months ago about this subject.

42
43 Sgt. Kearny stated that he had a conversation with Sgt. Miedecke on April 30th and was
44 informed by Sgt. Miedecke that there was no informant file. According to Sgt. Kearny, Sgt.

1 Miedecke stated he was confused why Officer Flores would want either of them to come in on
2 their day off to review an informant file when Officer Flores knew there wasn't an informant
3 file.

4
5 Sgt. Kearny stated that he recalled Sgt. Boyd coming over to GTF on May 2nd to speak to him
6 and Sgt. Miedecke. Sgt. Boyd asked to see the informant file and specifically the CI contact
7 report and Sgt. Kearny told him there wasn't one.

8
9 I asked Sgt. Kearny if any information pertaining to a subject is retained if the subject is rejected
10 as a confidential informant and he stated, "Not from us." Sgt. Kearny said he believes that
11 Officer Flores knew the subject wasn't a confidential informant because just prior to the
12 meeting with Sgt. Boyd, Officer Flores attempted to sign the subject up as an informant again.
13 Sgt. Kearny said that Sgt. Miedecke told Officer Flores again that the subject could not be
14 signed-up because he was deported to Mexico and is still down there.

15
16 Sgt. Kearny said that he believes that a conversation did take place between Officer Flores and
17 the subject and the subject provided information, "but whatever else happened after that, I'm
18 not really sure."

19
20
21 ***Interview of Sergeant Scott Miedecke (SDSO/North County Gang Task Force)***

22
23 On May 9, 2012 at approximately 1303 hours, I interviewed Sgt. Scott Miedecke. The interview
24 was conducted in my office. No one else was present during the interview. The interview was
25 digitally recorded. Sgt. Miedecke told me essentially the following:

26
27 Sgt. Miedecke stated that he was contacted by Officer Flores on May 1st about accessing the CI
28 files. Sgt. Miedecke told him that he was off that day but the lieutenant at GTF was available to
29 allow him access. Sgt. Miedecke stated that he does not know if Officer Flores was able to
30 obtain the file on that day.

31
32 I asked Sgt. Miedecke if he had seen the report written by Officer Flores. He said he had not. I
33 asked him if in his opinion there was any difference between a confidential informant and the
34 term confidential source as used in the report. Sgt. Miedecke stated that the term "source" is
35 what the "Feds" use to refer to a confidential informant, but that the terms were
36 interchangeable. Sgt. Miedecke stated that "generally" he would believe that the term referred
37 to someone who was working as an active, signed-up informant but he stated it could refer to
38 another source of information as well.

39
40 I asked Sgt. Miedecke to his knowledge, was Officer Flores able to obtain a CI file on the subject
41 that had information related to a Carlsbad PD homicide suspect? Sgt. Miedecke stated, "No,
42 because there was no file." I asked Sgt. Miedecke if he believed that Officer Flores was aware
43 at the time that he asked for the file, that a file did not exist. Sgt. Miedecke responded, "Yes."

1 Sgt. Miedecke stated that sometime in February, Officer Flores asked him for a CI number. Sgt.
2 Miedecke said that he assigned a number to Officer Flores and Officer Flores gave him a verbal
3 summary of the information the subject was providing and how the subject could be used by
4 GTF. Sgt. Miedecke told Officer Flores to put a packet together and that he would review the
5 subject's information for acceptance as a confidential informant. Sgt. Miedecke said that
6 approximately two weeks later Officer Flores approached him and relayed that the subject had
7 been deported to Mexico. Sgt. Miedecke said that no documentation had ever been submitted
8 to him for approval.
9

10 According to Sgt. Miedecke, Officer Flores asked him what he should do about the subject. Sgt.
11 Miedecke asked Officer Flores if the subject had done any work for GTF and Officer Flores
12 responded, "No." Sgt. Miedecke then stated he told Officer Flores to "kill it", meaning they
13 were not going to be working with the subject as a confidential informant. I asked Sgt.
14 Miedecke if any documentation referring to the subject would be retained under that CI
15 number and he said that it was not retained and that the number was re-issued to another
16 investigator.
17

18 Sgt. Miedecke said that he recalled meeting with Sgt. Boyd on May 2nd. I asked what the nature
19 of their conversation was and Sgt. Miedecke stated that Sgt. Boyd asked to review the CI file,
20 specifically a contact report completed by Officer Flores. Sgt. Miedecke told him then that
21 there was not a CI file for that subject. Sgt. Miedecke said that he recalled Sgt. Boyd telling him
22 that the information they received from Officer Flores was that the subject in question was an
23 active CI currently working for GTF.
24

25 I asked Sgt. Miedecke if Officer Flores attempted to sign-up the same subject prior to his
26 meeting with Sgt. Boyd. Sgt. Miedecke said that he believed it was the day before his meeting
27 with Sgt. Boyd but, Officer Flores did ask to sign up the subject again. Sgt. Miedecke asked
28 Officer Flores if the subject was still in Mexico and Officer Flores told him he was. Sgt.
29 Miedecke said that he told Officer Flores "No", because the subject could not be supervised
30 while residing in a foreign country.
31

32 I asked Sgt. Miedecke if he was aware of any affidavits that were completed using information
33 from Officer Flores' subject. He said he wasn't aware of any but that he didn't know all of the
34 affidavits that had been prepared. He said that the information may have been used in
35 affidavits for pen registers. I asked him if information would ever be used in an affidavit from a
36 subject who was not a signed-up informant and he said, "No, not generally, no. Signed-up in
37 some shape or form either through us or on the Fed side." I confirmed with Sgt. Miedecke that
38 the subject would have to be signed-up in some way to use the subject for a wiretap and he
39 responded, "Yes."
40

41 I asked Sgt. Miedecke if he was aware of Officer Flores ever passing on information to US
42 Marshal Steve Chaco regarding the information concerning the wanted homicide suspect. Sgt.
43 Miedecke said that he became aware of the information after Sgt. Boyd told him that Officer
44 Flores had told Chaco. I asked if anybody at GTF had spoken to Chaco about the homicide

1 suspect information and Sgt. Miedecke stated that he was aware that the supervising US
2 Marshal at GTF, Ray Gellatly had spoken to Chaco about the entire issue surrounding the
3 subject Officer Flores wanted to bring on as a CI.

4
5 Sgt. Miedecke stated that when Officer Flores had come to him on May 1st attempting to sign
6 the subject up for the second time, he asked if he could have the US Marshals do a one-time
7 payment to the subject. Sgt. Miedecke asked Officer Flores how he was going to coordinate
8 having the subject sign the required paperwork and he said Officer Flores responded, "You
9 mean sign it again?" Sgt. Miedecke said that Officer Flores then made a statement about
10 shredding the subject's previous documentation when he was rejected as a CI. According to
11 Sgt. Miedecke, Officer Flores said that he would meet the subject at the border and provide him
12 a payment for the information he provided regarding the homicide suspect.

13
14 Sgt. Miedecke then said that he had a conversation with Supervising Marshal Gellatly where
15 Gellatly told him that he had spoken to Chaco. Gellatly stated that Chaco knew Flores had a CI
16 who was in Mexico but that he never met the CI and didn't have any other information
17 concerning the CI. Sgt. Miedecke said that he asked Gellatly if he asked Chaco specifically if
18 Flores gave Chaco information regarding a homicide suspect and Gellatly said that he did not
19 ask Chaco that.

20
21 Sgt. Miedecke also stated that Supervising Marshal Gellatly contacted the Mexico Liaison
22 Division of the US Marshals office and that he was told that they had received no new
23 information from anyone at GTF regarding the whereabouts of the wanted homicide suspect
24 and they had been getting all of their information from the investigators at Carlsbad PD and
25 nowhere else.

26
27 ***Interview of Officer Jesse Flores (Subject Officer)***

28
29 On May 31, 2012 at 1427 hours I interviewed Officer Flores at the Human Resource's
30 Conference room located at 1635 Faraday Avenue. Also present during the interview was Lt.
31 Paul Mendes and Officer Flores' attorney Michael Williamson. Officer Flores was provided with
32 a Lybarger Admonishment. The interview was digitally recorded by both me and Mr.
33 Williamson. The interview was transcribed by CBPD administrative secretary Paula Melikian
34 and edited by me. See attached.

35
36
37 **CONCLUSION**

38
39
40 During my interview with Officer Flores he made several admissions about "misleading" both
41 supervisors of the Carlsbad Police Department and a supervisor assigned to the North County
42 Gang Task Force. He also admitted that he did not inform investigators in a timely manner
43 regarding the whereabouts of a wanted homicide suspect. The following information was
44 concluded from my interviews with the involved personnel.

- 1 • Officer Flores stated during his interview that he received the information concerning
2 the location of the homicide suspect during the first week of March, 2012. Sgt. Williams
3 and Detective Hargett were told this information by Officer Flores on April 27, 2012.
4 Nearly eight weeks had passed before CBPD investigators were relayed the information.
5

6 Officer Flores, during a meeting with Sgt. Williams, Sgt. Boyd and Lt. Magro, described
7 his failure to pass on the information as a “brain fart”.
8

9 Officer Flores was asked during my interview with him how difficult it would have been
10 to make a phone call to COV investigators and he stated, “It wouldn’t have been
11 difficult” (*transcript page 9, line 1*). He then made several statements about the time
12 intensiveness of a case that he had been working on at GTF as one reason why the
13 information wasn’t relayed in a timely manner.
14

15 The information was limited in scope and length and could have been easily passed on
16 by Officer Flores by text message, voicemail, phone call, written report or in person
17 while at the CBPD.
18

- 19 • Sgt. Williams stated during his interview that he asked Officer Flores who he provided
20 the information to and Officer Flores responded that he provided it to a US Marshal.
21 Sgt. Williams asked him which marshal and Officer Flores searched his phone for a name
22 but stated that he must have deleted the information. Sgt. Williams said that he then
23 told Officer Flores to try to identify the marshal. Sgt. Williams said that Officer Flores
24 came to his office a few hours later and told him that the marshal was Steve Roncone.
25

26 Sgt. Williams calls Steve Roncone and confirms that he has never spoken to Officer
27 Flores. Sgt. Williams states that he confronts Officer Flores that the US Marshal is not
28 Roncone. According to Sgt. Williams, Officer Flores tells him the name is Steve Chaco,
29 his partner at GTF. Sgt. Williams states that he had several conversations with Officer
30 Flores throughout the day and this was the first time he heard the name Steve Chaco.
31 During my interview with Sgt. Williams he is incredulous that Officer Flores could have
32 forgotten that the person Officer Flores passed the information on to was his own
33 partner yet this was the first time his name had been mentioned.
34

35 When I questioned Officer Flores during his interview about who he had provided the
36 information to he initially stated Todd Lovelace (*transcript page 10, line 6*). The name
37 Todd Lovelace was never mentioned by Sgt. Williams, Sgt. Boyd or Lt. Magro during my
38 interviews with them. Later during the interview Officer Flores stated that he passed
39 the information to Steve Chaco and he would pass the information on to Steve Roncone.
40

41 I asked Officer Flores if he ever told Sgt. Williams that the person he passed the
42 information on to was Steve Roncone and Officer Flores stated, “No” (*transcript page*
43 *11, line 20*). Officer Flores stated that he told his partner Steve Chaco and that Chaco
44 told him that he would pass the information on to Steve Roncone. Officer Flores is

adamant that he told Sgt. Williams from the beginning of the conversations on this topic that he told him that the marshal was Steve Chaco. Officer Flores stated that he only gave the name Steve Roncone to Sgt. Williams as being the person that Steve Chaco would pass the information on to.

- During the afternoon meeting with Lt. Magro, Sgt. Williams and Sgt. Boyd, Officer Flores was asked by Sgt. Williams if he had completed a debrief report concerning the information he had learned about the homicide suspect. Sgt. Williams quoted Officer Flores as stating, "I'm sure I did. It's in the notes in the file."

This statement was corroborated by Sgt. Boyd in his *Supervisor's Complaint Summary* when he wrote that Officer Flores was asked about documenting the information in a CI contact report and Sgt. Boyd quoted Officer Flores as saying, "Yes, I'm sure I did."

During my interview with Lt. Magro he also confirmed the statement by Officer Flores and quoted him as saying, "I'm sure I did."

Lt. Magro, Sgt. Williams and Sgt. Boyd all confirmed that Officer Flores was asked if he had completed some type of written report documenting the information. All three of them also confirmed that Officer Flores answered affirmatively that he had completed a report.

When I asked Officer Flores if there was a file where the information from the informant was documented he responded, "No. There were probably some scratch papers and stuff, but that was about it. Those were always trashed" (*transcription page 27, Line 23*).

Officer Flores was then asked by Sgt. Williams to write a report based on the contact with the informant and the information in the informant file. Officer Flores completed a report (see attached). I asked Officer Flores if he wrote the report based solely on his recollection and he responded, "Yep" (*transcription page 27, line 19*). I then asked him if the dates, the conversation and who you spoke to is completely based on memory and he responded, "Ah, yeah" (*transcription page 27, line 22*).

- Initially when Officer Flores was directed by Sgt. Williams to complete a report based on the information in the informant file, Sgt. Williams stated that Officer Flores told him that he (Officer Flores) could not complete the report because the information was in a CI file that could only be accessed by GTF supervisors.

During my interview with Sgt. Boyd he also confirmed that Officer Flores told him that the file could only be accessed by a GTF supervisor.

During my interview with Lt. Magro, he stated that Officer Flores told him that he needed a GTF supervisor to provide him access to the file.

1 In my interview with Officer Flores I asked him about the existence of the CI file. Officer
2 Flores stated that the file does exist and it was with him (*transcription page 18, line 23*).
3 I also asked him if he told the supervisors present at the meeting that the file was locked
4 up at GTF and he stated, "That is what eventually came out, yes" (*transcription page 19,*
5 *line 26*).
6

7 Officer Flores also stated during the interview, "In that meeting there was, it wasn't
8 where I said that it was gonna be. The file wasn't in GTF locked up. I had it with me"
9 (*transcription page 48, line 3*).
10

- 11 • I asked Officer Flores if he contacted Sgt. Miedecke or Sgt. Kearny (GTF supervisors).
12 Officer Flores said that he contacted Sgt. Kearny. I asked Officer Flores if he asked him
13 for access to a CI file and Officer Flores responded, "Yes. I mislead him" (*transcription*
14 *page 22, line 25*). I asked him how he mislead Sgt. Kearny and Officer Flores stated,
15 "Because I had the file" (*transcription page 23, line 1*). Officer Flores said that he
16 "mislead" Sgt. Kearny because he wanted him at GTF to approve the report he was
17 going to write. Officer Flores said that he also did not want to expose a GTF informant.
18
- 19 • In my interviews with Lt. Magro, Sgt. Boyd and Sgt. Williams they each related that
20 Officer Flores represented the informant to be a signed-up, official informant working
21 for the Gang Task Force. All three officers are veteran investigators with lengthy
22 experience working with confidential informants. I asked Officer Flores if the subject
23 was ever signed-up as a confidential informant and he stated, "With GTF he was not"
24 (*transcription page 28, line 26*). I asked him who he was a confidential informant for
25 and Officer Flores responded, "Me" (*transcription page 28, line 28*).
26
- 27 • On May 2, 2012, Officer Flores sent an email to Sgt. Boyd, Sgt. Williams, Lt. Magro and
28 Det. Hargett (see attached). A portion of the email states, "The CI and other
29 information provided by the CI has been used in recent affidavits to begin the wiretap
30 for our upcoming case."
31

32 When I spoke with Sgt. Kearny and Sgt. Miedecke they both stated that "generally" the
33 subject would need to be an official CI in order to use them for an affidavit for a wiretap.
34 Sgt. Miedecke said that it was possible that information from the subject could be used
35 for an affidavit for pen registers. Neither sergeant had knowledge of the subject
36 actually being used and admitted that they did not know all of the affidavits that were
37 being prepared.
38

39 In my interview with Officer Flores, he stated that he gave information provided by the
40 subject to other agents in GTF and that information was used in affidavits for pen
41 registers.
42
43
44

- 1 • During Officer Flores' interview, Lt. Mendes asked him if he was ever, "embellishing
2 information to make yourself look like a shot caller?" During his response, Officer Flores
3 stated, "Did I intentionally try to mislead 'em? Absolutely not. I've been regretting it
4 the second it came out, and I, and I made a bad mistake for us" (*transcription page 47,*
5 *line 12*).

6
7 Lt. Mendes followed up by asking, "What have you been trying to regret? What bad
8 mistake did you make?" Officer Flores responded by saying, "The meeting with Sgt.
9 Williams and misleading him about the, the file, trying to buy myself some time"
10 (*transcription page 47, line 18*).

- 11
12 • I made a statement to Officer Flores during his interview where I said, "So you told them
13 that a document exists, that never existed. A file existed, that wasn't the confidential
14 informant file that only existed in your own possession." Officer Flores responded,
15 "Well I called it an informant file." I then said, "Is that, is that accurate?" Officer Flores
16 responded, "That was misleading, yes" (*transcription page 49, line 14*).

- 17
18 • I discussed with Officer Flores a conversation he had with Sgt. Koran while they were
19 both off-duty. Sgt. Koran wrote a supplement where he states that Officer Flores called
20 him and told him that he, "stepped on it". I asked Officer Flores what he meant when
21 he said he, "stepped on it". Officer Flores responded, "That I mislead Sgt. Williams and
22 them" (*transcription page 52, line 24*).

- 23
24 • Throughout my interview with Officer Flores he offered as his explanation for
25 "misleading" CBPD supervisors as his contentious relationship with Sergeant Williams
26 and the Crimes of Violence Unit and his desire to protect his "informant".
27
28
29
30
31

32 Submitted by: _____
33 Internal Affairs Sergeant _____ Date
34 Professional Standards and Services Division
35
36
37

38 Reviewed by: _____
39 Internal Affairs Lieutenant _____ Date
40 Professional Standards and Services Division
41
42
43
44

CONFIDENTIAL

**CARLSBAD POLICE DEPARTMENT
INTERNAL AFFAIRS INVESTIGATION #12-17**

INTRODUCTION

On May 2, 2012 at about 1723 hours, I received a text message from Officer Flores asking if I was clear for a phone call. I responded I was clear and Officer Flores called me shortly thereafter.

SUPPLEMENTAL NARRATIVE

Officer Flores told me essentially the following during our conversation. He began by asking me in general about who could act as a representative. I explained the role of a representative to him and some of the differences between getting a representative and getting a lawyer. He asked me who I would use as a representative if I thought I needed one. We discussed some names and he stated he had "stepped on it" and there was probably going to be a complaint against him. I told him not to tell me anything about the issue in case I was assigned to investigate. He did not tell me any specifics about the nature of the incident or who was involved.

Submitted by: _____
Internal Affairs Sergeant Greg Koran
Professional Standards and Services Division

_____ Date

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**CARLSBAD POLICE DEPARTMENT
INTERNAL AFFAIRS INVESTIGATION #12-17**

WITNESS LIST

<u>Name</u>	<u>Telephone</u>
Officer Jesse Flores (Accused) Carlsbad Police Department	(760) 931-2100 (work)
Sergeant Mickey Williams (Witness) Carlsbad Police Department	(760) 931-2139 (work)
Sergeant Chris Boyd (Witness) Carlsbad Police Department	(760) 931-2195 (work)
Lieutenant Matt Magro (Witness) Carlsbad Police Department	(760) 931-2152 (work)
Sergeant Greg Koran (Witness) Carlsbad Police Department	(760) 931-2178 (work)
Sergeant Mike Kearny (Witness) Escondido Police Department North County Gang Task Force	(760) 644-1034 (work)
Sergeant Scott Miedecke (Witness) San Diego Sheriff's Department North County Gang Task Force	(760) 801-7426 (work)
Sergeant Jason Jackowski (Investigator) Carlsbad Police Department	(760) 931-2275 (work)
Lieutenant Paul Mendes (Investigator) Carlsbad Police Department	(760) 931-2260 (work)

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CARLSBAD POLICE DEPARTMENT INTERNAL AFFAIRS INVESTIGATION #12-17

CHRONOLOGY

05/03/2012, 1300 hours	Sgt. Jackowski received this complaint from Sgt. Koran.
05/03/2012, 1400 hours	Sgt. Jackowski placed Officer Flores on paid administrative leave.
05/07/2012, 0940 hours	Sgt. Jackowski interviewed Lt. Matt Magro.
05/07/2012, 1416 hours	Sgt. Jackowski interviewed Sgt. Mickey Williams.
05/08/2012, 1106 hours	Sgt. Jackowski interviewed Sgt. Chris Boyd.
05/09/2012, 0900 hours	Sgt. Jackowski interviewed Sgt. Mike Kearny (GTF, Escondido PD).
05/09/2012, 1300 hours	Sgt. Jackowski interviewed Sgt. Scott Miedecke (GTF, SDSO).
05/31/2012, 1427 hours	Sgt. Jackowski/Lt. Mendes interviewed Officer Flores (w/counsel present) at the Human Resources Conference room at the Faraday facility.
06/27/2012	IA narrative completed and sent to Lt. Mendes for corrections and review.

1 I.A. CASE NO.: 12-17

2
3
4
5
6 INTERVIEW OF:

7
8 Officer Jesse Flores with
9 Attorney Michael Williamson (representative)

10
11 ON:

12 May 31, 2012

13 1427 Hours

14
15 BY:

16 Sergeant Jason Jackowski and
17 Lieutenant Paul Mendes

18
19 AT:

20 Human Resources Conference Room

21 1635 Faraday Avenue

22 Carlsbad, CA 92008

23
24
25
26
27 TRANSCRIBED BY: Paula Melikian

Q1 Sergeant Jason Jackowski

Q2 Lieutenant Paul Mendes

A1 Officer Jesse Flores

A2 Attorney Michael Williamson

Q1 Pursuant to government code section thirty-three zero three (g), I'm recording this interview. Officer Flores you have a right to record the interview as well. Are you taking any medications that would cause you to be unable to understand and respond truthfully and fully to the questions that will be asked of you today?

A1 I am taking medication, but I don't think that's gonna effect my judgment.

Q1 Have you failed to take any prescription or other medication which would assist you to understand and respond truthfully and fully to the questions that will be asked of you?

A1 No.

Q1 Are you suffering from any physical or mental condition that would cause you to be unable to understand and respond truthfully and fully to the questions that will be asked of you?

A1 No.

Q1 The purpose of this interview is to discuss IA case number twelve dash seventeen. The allegations focus on, but are not limited to, Carlsbad Police Department policies section three forty point three point five (i)—falsification of any work-related records, the making of misleading entries or

1 statements with the intent to deceive, or the willful and
2 unauthorized destruction and/or mutilation of any department
3 record, book, paper or document. Section three forty point
4 three point five (ad)--giving false or misleading
5 statements, or misrepresenting or omitting material
6 information to a supervisor, or other person in a position
7 of authority, in connection with any investigation or in the
8 reporting of any department-related business. And policy
9 section three forty point three point five (c)--
10 unsatisfactory work performance including, but not limited
11 to, failure, incompetence, inefficiency or delay in
12 performing and/or carrying out proper orders, work
13 assignments or instructions of supervisors without a
14 reasonable and bona fide excuse.

15 The nature of this investigation is that you purportedly
16 were untruthful in providing information to Carlsbad Police
17 Department supervisors regarding the existence of the
18 confidential informant file and were untruthful in an e-mail
19 report to supervisors stating that the subject known to you
20 as an active informant in current gang task force cases.

21 It is also alleged that you violated department policy when
22 you failed to report information in a timely manner related
23 to the location of a wanted homicide suspect. This is your
24 Lybarger admonishment.

25 Today's questioning concerns administrative matters relating
26 to the official business of the Carlsbad Police Department.
27 I am not questioning you for the purpose of instituting a
28 criminal complaint against you. If, however, during the

1 course of this questioning you disclose information which
2 indicates that you may be guilty of criminal misconduct,
3 neither your self-incriminating statements nor the fruits of
4 any self-incriminating statements you make to me will be
5 used in any criminal legal proceedings.

6 Officer Flores, do you understand what I just read to you?

7 A1 Yes.

8 Q1 Do you have any questions regarding what I read?

9 A1 No.

10 Q1 On behalf of the Chief of Police, I now order you to
11 completely and truthfully answer my questions. Failure to
12 answer my questions will be deemed insubordination and will
13 subject you to discipline up to and including termination.
14 Do you understand?

15 A1 Yes.

16 Q1 Okay Jesse, can you tell me how long you've been a sworn
17 police officer?

18 A1 Um, just over seventeen years.

19 Q1 And how long were you assigned to the North County Gang Task
20 Force for?

21 A1 Um, three years counting this month...nine months...three years
22 nine months, just under.

23 Q1 Um, 'kay so I want to talk to you about a conversation, um,
24 you had with District Attorney Investigator Christie and
25 Detective Brian Hargett that occurred on April twenty-
26 seventh at about, ah, zero nine hundred in the morning. Do
27 you recall that conversation?

28 A1 Was it that early?

1 Q1 That time was given by Brian, spoke to you...

2 A1 I don't think it was that early, but I do remember having a
3 conversation (unintelligible) later afternoon.

4 Q1 Do you remember having a conversation where you approached,
5 um, Brian Hargett and D.A.I. Christie when they were in the,
6 the meeting area in the detective bureau?

7 A1 Yeah.

8 Q1 Um, what was the nature of that conversation?

9 A1 Um, well it started with me recognizing Scott Christie, and,
10 and I saw that they were just talking to Hargett, and, ah,
11 Sergeant Williams. And so, ah, I kinda just went over
12 there, ah, want to say hi and to, looked like they were just
13 finishing up, say hi and see, see what was goin' on. And,
14 ah, ah, they had told me they had just talked about the, ah,
15 Pen Registers case, and that's when I told them about the
16 information that I had.

17 Q1 And what information did you share with them?

18 A1 I gave 'em a little bit, ah, I told them basically I had, I
19 had learned that Petey was, ah, living in Ensenada, Mexico
20 with his dad who was supposedly on the run also.

21 Q1 So at any time in this conversation did, um, Sergeant
22 Williams approach you?

23 A1 Yeah.

24 Q1 And what did Sergeant Williams say to you?

25 A1 Ah, wh, they were, him and Hargett were both kinda talkin'
26 over each other. Ah, I was actually standing next to
27 Sergeant Williams. Ah, so ah, ah, they mentioned something
28 about, ah, in so many words, um, ah, not ah, the lack of

1 sharing, the lack of communications actually what it was.
2 Not sharing information, but a lack of communicating. And,
3 ah, then I, ah, about this information, and not when I heard
4 from, heard, heard the information, which was in, ah,
5 sometime in March. And then I, ah, my response to that was,
6 ah, that I, I just completely forgot. I didn't
7 deliberately, maliciously try to keep this information from,
8 from them. I mean, I, I helped them in every homicide case
9 they had, and had given them current information. I mean, I
10 understand. I mean, I truly tried to explain that to 'em,
11 that I, I, I just forgot. I mean, I was working a very
12 lengthy time intensive case at that time that I heard the
13 information. And then, I told them that I, that I passed it
14 on to the U. S. Marshal, who I believe was actively working
15 the case at the time. The information went to who was
16 actively working the case for PD; I just forgot to pass it
17 back on to my own department.

18 Q1 And what U. S. Marshal did you pass that information on to?

19 A1 I didn't pass it on to the U. S. Marshal. I passed it on to
20 my partner, Steve Chaco, who is a U. S. Marshal who's
21 assigned to the task force. And how this inf, how this came
22 about was, ah, a couple of weeks before, um, I had learned
23 of the information, ah, U. S. Marshal Todd Lovelace, ah,
24 recalled up to the, ah, gang task force, and talked to my
25 partner, Steve Chaco. Ah, and he tells Steve Chaco, "Hey,
26 they got this, they work warrants."

27 Q1 Right.

1 A1 And they do, ah, international, ah, extraditions. So ah,
2 Todd (and this is being told to me by Steve Chaco)—I, I
3 never talked to Todd—ah, and Todd says, "Hey, I got this
4 warrant from this guy named Pedro Avalos). You, ah, he's
5 from Carlsbad. Do you guys, can you guys help me with this?
6 And we're still in the middle of our, our RICO case that
7 we'd been working on. Ah, and ah, Chaco tells me the
8 information that Todd had, and I go, "If I can't touch that
9 case, if he gets approval through Carlsbad, come back in to
10 work their case, we can do that. But if he's workin' it,
11 you gotta get permission from them before I help 'em." And
12 that was it from there. So, I knew through Steve Chaco that
13 Todd Lovelace was actively working that warrant, because he
14 asked for the gang task force to help him. So, couple of
15 weeks later talking to my C. I. at the time down in Mexico,
16 and he ah, he tells me, "I had heard information from an
17 unreliable source, and I'm tryin' to make this, this other
18 source reliable." So I, so normally you take that
19 information and you corroborate that information with other
20 reliable sources of information to make them reliable. So I
21 had heard that he was down there. We had known from Hargett
22 and them that he went south, because they told us that, that
23 (unintelligible) gave him a ride down or someone from
24 (unintelligible) family gave him a ride to the border, so
25 it's common knowledge. So ah, I um, I, my CIs down there,
26 now you, and if my CIs in a vulnerable, ah, situation right
27 now. He was also one of, ah, people who gave up, ah,
28 pointed out the other suspect in this case...

Q1 Um-hum.

A1 ...to Hoppe. So he's, he's reliable, ah, thus far. So I told him what I had heard and he confirmed it. He was very reluctant to give this guy up because they're close family friends. But I have him over a barrel now, because he's stuck in Mexico. He's trying to be paroled back to me, there, I'm working with the U. S. Attorney's office, and ICE to bring him back and parole him to me. And this came through Lieutenant Magro. So ah, so I, I got him over the barrel, even though I've asked him before about, ah, Petey, he would never really say anything, other than he is down there.

Q1 Um-hum.

A1 Um, so and this time he gave me the information that, that I gave Sergeant Williams.

Q1 So at the time that this occurred, was, how long prior to when you eventually told Sergeant Williams and Detective Hargett this information?

A1 Ah, well, at the days, it would be, ah, I, I passed that on when I found out, got it on the first week of March, so do the math six, seven weeks?

Q1 Is there any reason, did, you knew that there was an active felony homicide warrant for Petey Avalos at the time?

A1 Um-hum.

Q1 He was wanted by our agency.

A1 I knew that.

Q1 How difficult would it have been to make a phone call over to the department to tell COV investigators?

1 A1 It wouldn't have been difficult. I-I-I just completely
2 forgot about it—didn't even really think about it. I had so
3 much work goin' on with the other case. I mean, we had
4 already been into that case for twenty months. With the
5 amount of work it took to do that case, we were still going
6 through interviews, evidence, still we're, we hadn't, I
7 think we'd just finished catching the last guy. I mean,
8 that case made San Diego County history with the amount of
9 work and people that were caught up into that. I mean, this
10 was a very time intensive. I mean, I was one of the co-case
11 agents, I mean, the, I was so busy with work at that time,
12 finishing up, getting stuff ready for the reverse sit down
13 to go to trial, to go through all the evidence that we had
14 recovered from fifty-five locations, prepping for the next
15 wire-tap that we all didn't want to have to do, trying to
16 develop a CI, trying to get the CI to come, get back in our
17 custody signed-up at GTF. I mean, it was, there, there was
18 just so much on my schedule at that time, it just completely
19 slipped my mind.

20 Q1 Okay. Let's go back to the, to the morning meeting when you
21 were there with, um, Scott Christie, Brian Hargett and
22 Sergeant Williams walked out, and you shared the information
23 with, with Detective Williams or the conversation, um, did
24 Sergeant Williams ask you if you had shared that information
25 with anybody else?

26 A1 Um, I don't remember him saying that.

27 Q1 Did he ask you if you had, he didn't ask if you had, you had
28 a conversation about not providing information to Carlsbad

1 PD, but you don't recall him making a statement that he, um,
2 he asked you if you had shared with anybody outside of the
3 department?

4 A1 I di, I-I-I don't, I don't remember anything like that. I
5 don't remember the exact words, but I, but I know I, I told
6 him that I passed the information off to Todd Lovelace. And
7 that might be the answer to that question that I shared it
8 with the U. S. Marshals who were working the case.

9 Q1 (unintelligible) when I spoke to Sergeant Williams, but he
10 told me that he asked you if you had shared with anybody,
11 you had said you had, you had shared it onto a marshal, you
12 didn't know who the marshal was...

13 A1 Right.

14 Q1 ...and that you had searched your phone for information that I
15 may have deleted it, is that correct?

16 A1 No.

17 Q1 That didn't happen?

18 A1 No. No.

19 Q1 You don't recall that conversation at all?

20 A1 No. The, it, I know what he's talking about, and it, it
21 didn't go down like that. First of all, what I was trying
22 to explain to him how the information, how I sent the
23 information to the U. S. Marshal, I could never get a
24 complete sentence out. He, Brian was interrupting, Sergeant
25 Williams was interrupting, it was more of like a, accusatory
26 more than an interrogation of, you know, of me, and I'm
27 trying to give them information. It's like, as it's been in
28 the past, every time I've ever helped them or given it's,

1 it's always accusatory and interrogate, and I'm giving them,
2 I'm helping them...

3 Q1 Um-hum.

4 A1 ...and I'm being turned into a-a-a-a suspect here. At that
5 time that's kinda how I was feeling. I was like, wait a
6 minute, I'm giving you information. Why are you treating me
7 like this? So, it didn't necessarily go down like that. I
8 told him, just like I told you, because I was getting
9 interrupted and I could never finish a sentence, so he was
10 only getting part of what I was trying to say, and then I
11 have to clean that up and go back to try to say what I real,
12 what I'm trying to say. So, to get a full sentence out
13 between the two of those guys, wasn't necessarily that easy.
14 And I, I, I, just like I tried to explain to you, I never
15 talked to any U. S. Marshal other than my partner.

16 Q1 Did you ever make any statements that after you searched
17 your phone you couldn't find any contact information. Um,
18 did you ever tell Sergeant Williams that, that the U. S.
19 Marshal you shared that information with was Steve Roncone?

20 A1 No.

21 Q1 You never, wait, wait, wait, you never told Sergeant
22 Williams that the U. S. Marshal that you provided that
23 information to was the U. S. Marshal Steve Roncone?

24 A1 Steve Roncone's name came up af, to see now we're talkin'
25 about a couple of conversations after the Scott Christie
26 thing. I had, I had called my partner and said, "Hey, who
27 did you talk to?" And he told me he had talked to Steve
28 Roncone. That's where that name had come up. See, there

1 were so many other little conversations between there and so
2 many accusations toward me, and I'm trying to give 'em, I, I
3 know he's tryin' to pin down the marshal. I'm tryin' to
4 help him pin down the marshal (unintelligible) have the
5 information, so that we can go forward with this. I'm
6 tryin' to help him, but...

7 Q1 So, so Sergeant Williams, after his conversation with you,
8 right after your conversation with you, he goes back to his
9 office and in his statement to me says that he calls up U.
10 S. Marshal Steve Roncone and asked him if he had heard any
11 information about the suspect either from you or from
12 anybody from gang task force. Why would Sergeant Williams,
13 if you never provided him with the name Steve Roncone, go
14 back and make that phone call?

15 A1 Because I, I told him. I just said that. I had talked to
16 my partner, my partner gave me this name, Steve Roncone. I
17 had never met Steve Roncone, never called him. Never. I,
18 I, everything I've done to the U. S. Marshals always been
19 through my partner Steve Chaco. That's why he's there.
20 That's why we're there. Everything that's filtered through
21 the agencies that are on the task force, I never talk to
22 'em. I ask Steve, "Hey, who did you give that information
23 to?" I told him (unintelligible), he even remembered
24 (unintelligible). I go, "Who did you give it to?" And, he
25 tells me he gave it to Steve Roncone. And then, even days
26 afterwards, he, he wasn't sure.

27 A2 Here's, here's the problem we are running into. You're
28 confusing him; you're confusing me. You start telling your,

1 your description of what's going on in answer to his
2 question, but you side track into four or five different
3 areas. His question was Steve Roncone.

4 A1 Uh-huh.

5 A2 You went to try and tell him that you obtained Steve
6 Roncone's name at some point during the other conversation.
7 You never came back and told him what the hell you did with
8 Steve Roncone's name. So he's wanting to know now how the
9 Sergeant would have Steve Roncone's name if you never told
10 the Sergeant. So, if you told the Sergeant, you better make
11 it clear when and how.

12 Q1 Immediately after your morning conversation, Sergeant
13 Williams goes back to his office and calls Steve Roncone,
14 based on the information you provided. He goes to Roncone
15 to insure that the U. S. Marshals are working the case. He
16 doesn't want to bifurcate it among, among the U. S. Marshal
17 service because they have multiple marshals out doing the
18 same exact thing but not aware that, that they're all
19 working on the same case at the same time. The only place
20 Sergeant Williams ever heard the name Steve Roncone was from
21 you. He's worked with him in the past on other cases, but
22 in related to this, it was at that time. Sergeant Williams
23 statement is clear; he's like, "I asked, I asked Officer
24 Flores if he'd provided that information to anybody else?
25 Flores opened his phone, appeared to be looking for names,
26 said "I must have deleted it," and then a couple of seconds
27 or minutes later said, "You know what, it was Steve
28 Roncone." So that's where Sergeant Williams got the

1 information was directly from you. Why, why would Sergeant
2 Williams make a phone call to Steve Roncone out of the blue?

3 A1 Okay. Okay. I clear, I understand what you're saying now,
4 and I understand your question. During, during this, this
5 morning meeting, there were more than one, two little pow-
6 wows with these guys. So, it got broken up to three, at
7 least three separate times. So, when I, I, I did call my
8 partner and asked. I, I, and I told, and I, I know what
9 Sergeant, um, Williams is talking about now. "Cause around
10 that time a U. S. Marshal did call me and leave me a voice
11 mail and I did go back into my phone to see if I had ever
12 deleted it. I mean that was weeks ago. So that, that, that
13 I do remember. I do remember looking into my phone, looking
14 to see going back into my history to see if I could find a
15 phone number for a U. S. Marshal around that time. That is,
16 that is true. When, when we had this conversation with him,
17 I, I, I called my partner. This is where he's getting the
18 name, 'cause I, I asked Steve, "Who did he talk with?" He
19 gave me the name Steve Roncone. The next time I talked to
20 Sergeant Williams, I said, "Chaco, my partner, relayed the
21 information to Steve Roncone." I had never talked to any
22 other U. S. Marshal. The guy who left me a voice mail
23 talking about it.

24 Q1 When Sergeant Williams talked to Roncone, Roncone said he
25 had never heard any information from anybody, including
26 Steve Chaco.

27 A1 I can't do anything about that Sarg.

1 Q1 Um, did you then have a subsequent to that, subsequent to
2 these meetings that were happening in the morning did you
3 hap-happen to have a chance of a one-on-one meeting with
4 Sergeant Chris Boyd? On April twenty-seventh.

5 A1 Yes.

6 Q1 You went into the vice narcotics office and spoke to him.

7 A1 Yes.

8 Q1 What was the nature of that conversation with him?

9 A1 This was right around, I'm not sure if it was, I think it
10 was before the, a, no it was after I finally had the last
11 conversation, I believe it was after the last conversation I
12 had with a, Sergeant Williams and Hargett in this, in their
13 office and it was becoming extremely hostile, and, and I
14 called the time out. Um, I told, I, Boyd came in the
15 office. My, my other partner from the ATF was in there with
16 me. I explained to Sergeant Boyd just like I told you.
17 Hey, this is, this is what happened, and walked up to Scott
18 Christie and them. They were talking about the case; I told
19 them what I had. A, Sergeant Boyd understood that my, the,
20 the work load I had at the time. I tried to explain to
21 them, I, I mean I, I just completely over looked it, forgot
22 it, never, never in, never did I try to keep it from go, not
23 give it to these guys. I understand the nature of the case.
24 So, I told 'em, even then, when I found the information
25 knowing that Todd Lovelace from the U. S. Marshal had
26 reached out to my partner, I gave it to the U. S. Marshal's
27 because I knew they were actively doin' it. Now I know,
28 just from working with them, I know that they, they can do

1 real time pings. So, I gave it to the person at that time
2 who was actually working the case. And I completely for,
3 just overlooked it.

4 Q1 Okay. Just specifically...

5 ? In that conversation, did um, did you tell Sergeant Boyd
6 that it, kind of the substance of your conversation was that
7 you, you needed to speak to Sergeant Boyd because this
8 information that you had given, felt like you didn't provide
9 the crimes of violence unit with was quote "going to be a
10 problem"?

11 A1 No.

12 ? (unintelligible)

13 A1 I said, a, I said this is gonna, they're gonna blow this way
14 out of proportion. Those are the words I used.

15 Q1 Would you say that failure to provide material information
16 about the whereabouts of a homicide suspect in a timely
17 manner would be blown out of proportion?

18 A1 I didn't even think of it like that. And I, it, it never
19 crossed my mind at that time.

20 Q1 Um...

21 A1 The reason I said that, Sergeant Jackowski, is because
22 everything I do for those guys, I can't think of one, one
23 thing in the last three and half years I did for those guys
24 that had never been taken out of context, questioned or
25 blown out of proportion.

26 Q1 Okay, let's, let's stick specifically to the events of April
27 twenty-seventh and the subsequent days after that, okay.
28 Anything outside of that I can't speak to.

1 A1 (unintelligible)

2 Q1 I don't have any understanding of your, your past
3 relationship with them, just specifically the facts
4 concerning this.

5 A1 I, I understand, but there's a background...

6 Q1 Okay.

7 A1 ...yeah (unintelligible)...

8 Q1 (unintelligible)

9 A1 ...helps me with my reasoning.

10 Q1 I understand. Um, did you then, later on in that day have
11 another meeting where you met with Sergeant Williams,
12 Sergeant Boyd and Lieutenant Magro in Lieutenant Magro's
13 office?

14 A1 Yes.

15 Q1 What was the nature of the conversation in that meeting?

16 A1 That, a, basically was, a, I initiated that conversation,
17 that meeting, just so you know, a, because of the hostile
18 environment that Mickey and Brian were, a, causing, and were
19 not going to get anything solved. So I initiated it, they
20 agreed to it, and we all went in there and met. Um, a,
21 basically it was to discuss, a, the information that I had
22 discovered and didn't pass on, um, and, um, I think that,
23 that was, that was, that was basically it.

24 Q1 During that meeting, um, were you asked by any supervisor in
25 the room whether there was, um, was you had documented that
26 information regarding the whereabouts of the homicide
27 suspect in a debrief report or some type of confidential
28

1 informant report that was on file at the gang task force?

2 Were you asked that question?

3 A1 Not like that, no.

4 Q1 How was it presented to you?

5 A1 Do you have that information? In so many words, it was
6 never that detailed and never that, a, that precise.

7 Q1 Did they ask you if it was in a confidential informant file?

8 A1 Nope.

9 Q1 Did they ask you if there was a confidential informant file?

10 A1 I told them there was.

11 Q1 So you told them that a confidential file existed...

12 A1 Yes.

13 Q1 ...for that subject?

14 A1 Yeah.

15 Q1 At the time that you answered that, were you aware...

16 A1 I didn't say it was confidential file, yeah I said it was a
17 CS file. Yeah, I did.

18 Q1 At the time that you stated that there was a confidential
19 informant file, were you aware that no confidential
20 informant file actually existed?

21 A1 The file does exist.

22 Q1 Where does it exist?

23 A1 I have it.

24 Q1 Okay. So, the, let's not get ahead we'll get to that part
25 in a second. Um, so during this conversation they asked you
26 if there was documentation, you say that "Yes, there is."
27 You say that file exists, they ask you, do they ask you at
28 any time to provide that file?

1 A1 Yeah.

2 Q1 And what did you say?

3 A1 I said, "Yeah." No, no, they, I said no you can't have the
4 file.

5 Q1 So then, what did they say to you.

6 A1 They did, they did, see, their, the word, they're not using,
7 they didn't ever ask for a file. They want, Sergeant
8 Williams wanted the report. They wanted the CI report.

9 Q1 That's what I asked you. I asked you if the term they had
10 used was, did he ask for a CI report or some type...

11 A1 Oh...

12 Q1 ...debrief or report...

13 A1 Oh...

14 Q1 ...that was maintained in a confidential informant file.

15 A1 Oh, I, I glossed over that. I'm sorry.

16 Q1 And you said it was at GTF. Did you tell them that you
17 didn't have access to the informant file or GTF?

18 A1 Yeah, the normal process is the files are locked up in the
19 Sergeant's office.

20 Q1 Hum. Did you explain that to them?

21 A1 Yes.

22 Q1 You told them that there was a confidential file that
23 existed and that it was locked up at GTF regarding this
24 subject that you were referring to? Provided the
25 information?

26 A1 That is what eventually came out, yes.

27 Q1 That is what you told them?

28 A1 Eventually, yes.

Q1 Okay. Um, did they ask you to complete a report based on the information that was in the confidential informant file?

A1 Yes.

Q1 And what did you tell them?

A1 I said, "Okay."

Q1 (unintelligible) is there any time during this meeting, did you tell them, um, going back to the issue with the U. S. Marshals, that you eventually determined that the, that the person you provided the information to was your own partner? Was Steve Chaco?

A1 I told them that from the beginning.

Q1 Because in my, in my interviews with them they didn't learn that until later on in the meeting. Then all of a sudden you're going to check your phone, you're provided the name Steve Roncone, but now, during this meeting, you suddenly realize that it was your partner, your own partner. Why would you have to check your phone or provide another name if you knew it was your own partner who you had been working with at GTF?

A1 Those are two separate issues. One is, I checked my phone because I did receive a call from a U. S. Marshal at that time regarding this. He left me a voice mail. I deleted that voice mail. But, I don't delete my messages. I'm, I'm horrible at that. So, I went back into my history to see if, if, if it hadn't fallen off by default. It wasn't there. The message was gone. I don't know what the guy's name was, so that was completely, a completely separate

1 incident with the U. S. Marshal. Every time I tried to tell
2 'em how the information was passed on, I was cut off.

3 Q1 Um-hum.

4 A1 I never got to finish any complete statement. It was always
5 accusatory. Always.

6 Q1 But my question is, if you knew it was your own partner, why
7 would you have to search your, your phone for your partner's
8 information or...

9 A1 No, I,...

10 Q1 ...find...

11 A1 ...I, I was...

12 Q1 ...the name...

13 A1 ...I wasn't...

14 Q1 ...Steve Roncone?

15 A1 ...I wasn't searching the phone for my partner's information.

16 Q1 Well corresponding statements from two people said that at
17 this meeting you finally provided the name of Chaco...

18 A1 Um, hum.

19 Q1 ...who is your own partner at GTF, where previously it was you
20 either didn't know or it was Steve Roncone.

21 A1 I, I told them about Steve Chaco before that in, in, in the
22 meeting when I went into the office, and said, "Hey,
23 (unintelligible) my partner passed it on." It, I, I told
24 them that. Prior to that, they might not have listened. It
25 wasn't the most calm tone...

26 Q1 Uh-huh.

27 A1 ...in there. They, I know, just from dealing with that,
28 they're only going to pick what they want to hear, like they

1 normally do with me and take it out of context. However, I
2 guarantee they didn't hear everything I've said. I know
3 they didn't hear everything I've said. So, it doesn't
4 surprise me they only wanted to share what they wanted to
5 hear. And every time I tried to explain to them, it was
6 never what they wanted to hear. That, that's what I was
7 dealing with this entire day. No matter how I was gonna
8 tell them, it wasn't gonna to be satisfactory.

9 Q1 Okay. Let's go, let's move on to the next issue. Um, so
10 after you're directed, who directed you to, to write a
11 report? To obtain a CI file and to write a report based on
12 that file?

13 A1 I'm not sure. I think it was Sergeant Williams. I'm not
14 sure.

15 Q1 So what did you do after this meeting?

16 A1 I don't know.

17 Q1 What did you do in pre, preparation to get, to access the
18 report? Did you contact anybody?

19 A1 I contact my partner again. And then I contact, I tried to
20 con, a, called the CI.

21 Q1 Did you contact Sergeant Miedecke or Sergeant Kearny?

22 A1 I, I called Sergeant Kearny. Yes.

23 Q1 And did you ask them for access to the confidential
24 informant file?

25 A1 Yes. I mislead him.

26 Q1 Mis, mislead who?

27 A1 Sergeant Kearny.

28 Q1 And how did you mislead Sergeant Kearny?

1 A1 Because I had the file.

2 Q1 So you knew you had the file, why did you contact Sergeant
3 Kearny to ask him for access to the file? That you knew
4 that, that he didn't have an, an, have possession of or
5 access to?

6 A1 I called Sergeant Kearny, when I did I did mislead him, but
7 I wanted him to be there at GTF, so when I wrote this report
8 that he would be the one to review it and sign it. I wanted
9 to keep everything that had to do with this in, this in,
10 this informant at GTF. I didn't want Carlsbad have any,
11 any, um, control over this file, because of past practices.
12 They were gonna expose, I believe they would expose the CI,
13 and pending the, the wire case that we were prepping for and
14 the information that I'd already used in other Pen Register
15 affidavits with this guy, I, I wasn't going to take the risk
16 of, of allowing Sergeant Williams and them to expose it, had
17 they done in other cases. Most recent cases that I've dealt
18 from within expose GTF informants.

19 Q1 So you lied to Sergeant Kearny?

20 A1 I mislead, I mislead Sergeant Kearny because I wanted him to
21 be there so he could sign, sign the, a, report.

22 Q1 Sergeant Kearny was texted and he said he had a conversation
23 with you...

24 A1 Right.

25 Q1 ...and I had a conversation with him where he advised me that
26 you said, "You needed access to a confidential informant
27 file." Is that a true statement—that you needed access to a
28 confidential informant file?

1 A1 That is a true statement.

2 Q1 You just said you didn't need access to a confidential
3 informant file 'cause you had it.

4 A1 That's the text message I sent. I, I was, I was stressin'
5 out, and I did turn in that file.

6 Q1 That's a lie then. That's not misleading. You're saying
7 that you needed access to a file that you knew either didn't
8 exist or you had possession of, either one. So that is not
9 misleading somebody. That was lying to them. Correct?

10 A2 Hang, hang on a second, Sarg. You know, it's your
11 interview, you can do your interview any way you want, but
12 what you can't do is violate any provision of thirty-three
13 hundred of the government code. The tone of your question,
14 questioning, the demeanor that you're displaying, and your
15 rapid fire questioning without him being allowed to provide
16 his statement is what is, generally referred to as abusive
17 treatment. That's not permitted. Please slow your tone
18 down. Slow questioning down and let him answer. Whether he
19 thinks it a lie or misleading or not is irrelevant because
20 ultimately the Chief of Police will decide whether it's
21 lying or misleading. You just don't like his answer; he
22 calls it misleading; you call it lying. The Chief will
23 determine whether he's a liar. But I would appreciate it if
24 you would not harangue my client. We don't need to have
25 that demeanor.

26 Q1 I, I don't agree that's harangue, but I'll change my tone of
27 questioning.

28 A2 Thank you.

1 A1 Thank you Sergeant.

2 Q1 Um, at any time did you contact Sergeant Miedecke and ask
3 him for access to the confidential informant file?

4 A1 No. Access to, no. We talked about files, but I didn't ask
5 him to access.

6 Q1 And what did you, what was your conversation with Sergeant
7 Miedecke about the file?

8 A1 That conversation with Sergeant Miedecke was, I told him
9 what I had. I had this same guy that he's been aware of. I
10 tried to sign him up once before, but he got deported. So I
11 didn't, so I, I returned the CI number. So I was goin'
12 through process of signing this guy up, and, at G.T.F. I
13 told Sergeant Miedecke what I had, and Sergeant Miedecke
14 said, "Well, we're not going to sign him up, but you can
15 keep a file on him." And so that's what I did. That's what
16 I continued to do.

17 Q1 Sergeant Miedecke told you that you could maintain a file on
18 him?

19 A1 Yes he did.

20 Q1 Um, so then did you complete a report?

21 A1 Yes I did.

22 Q1 That you provided, who'd you provide that report to?

23 A1 A, Sergeant Kearny for approval.

24 Q1 And what was that, that report based on?

25 A1 The information pertaining to their, a, their warrant
26 suspect.

27 Q1 And where did you obtain that information from?

28 A1 From the CI.

1 Q1 When you completed the report did you base your report on
2 another written record?

3 A1 I'm not sure I understand what you're sayin'.

4 Q1 Well, in the initial conversation when you were directed to
5 complete the report, you were asked to, um, write it based
6 on the information that you said that was maintained in a
7 confidential informant file. Correct?

8 A1 Now, now it wasn't, it wasn't, it wasn't worded like that.
9 They were never talking to me like that. It was never like
10 that, they were, they were, they wanted the report, they
11 didn't say it like you're saying it. They just wanted the
12 report.

13 Q1 So they had never said, base it on this or were you ever
14 asked to provide the original report and redact specific
15 information?

16 A1 Nope.

17 Q1 So, I told you I that had an interview with Sergeant Boyd
18 where he was asked to provide the information, provide the
19 report but redact it, Sergeant Boyd would be not telling the
20 truth.

21 A1 Uh...

22 Q1 And other people in that, that were present during that
23 meeting would not be telling the truth as well?

24 A1 I'd, that was a stressful meeting. I literally was sitting,
25 I had to take deep breaths.

26 Q1 A, that's not, that's not my question.

27 A1 I do not recall anything like that. I, I remember Sergeant
28 Williams saying, "Hey I want your report." I'm like, "You

1 can't have it. I, I'll give you what pertains to you, like
2 we normally do." I mean, you just don't give up your entire
3 um, file to, to people. You just, just don't do that. I
4 mean, common practice says you take what belongs to each
5 case and they get that piece. The rest doesn't pertain to
6 them, so you don't, you know, you don't get it.

7 Q1 Do you, you don't recall any supervisor at that time asking
8 to write the report based on the information that you
9 maintained in the confidential file? Did, did you recall
10 any conversation during that initial, during that meeting,
11 when Lieutenant Magro was present, that meeting, where they
12 said you should write a report based on what you said
13 existed in the confidential informant file?

14 A1 It wasn't worded like that.

15 Q1 And how was it worded?

16 A1 It was, it was, can you, can you write the report? Yeah.

17 Q1 So, when you completed that report, what was that report
18 based on? Just your recollection?

19 A1 Yep.

20 Q1 So, the dates, the conversation, who you spoke to is, is
21 completely based on memory?

22 A1 A, yeah.

23 Q1 Is there any file anywhere that exists where you documented
24 on paper the information provided you, from, to you from
25 that informant regarding the whereabouts of the homicide
26 suspect?

27 A1 No. There were probably some, some scratch papers and
28 stuff, but that was about it. Those were always trashed.

1 Q1 So, no file, no report exists where you actually documented
2 the conversation regarding the whereabouts of Petey Avalos
3 down in Ensenada.

4 A1 Nothing prior to that. No.

5 Q1 Um, so this email I'm going to read to you, tell me if you
6 recognize it, it says it's from you, Jesse Flores to
7 Sergeant Boyd, a, Sergeant Williams, Detective Hargrett,
8 Hargett, and Lieutenant Matt Magro, title "CI contact report
9 Eleven dash one eight five three." "To all: Here is the
10 report. All I ask is that if you use this in your affidavit
11 please seal this portion. The CI and other information
12 provided by the CI has been used in recent affidavits to
13 begin the wiretap for our upcoming case. Compromising the
14 CI will compromise our wiretap. Thanks for understanding.
15 As for the CDRs of Angel Martinez's phone, I'm still working
16 on that. Um, Jesse."

17
18 I had a conversation with Sergeant Miedecke and Sergeant
19 Kearny where they stated this subject was never signed up as
20 a CI and that you had been told that. You're aware of that
21 information?

22 A1 Well, I know he wasn't signed up, yeah. 'Cause it's up to
23 me to sign him up and then they approve it.

24 Q1 So, Sergeant Miedecke had told you that the, the subject was
25 never signed up as a confidential informant, correct?

26 A1 With GTF he was not.

27 Q1 Who was he a confidential informant for?

28 A1 Me.

Q2 Just for you?

A1 And I was working with ICE, ATF, and through the Marshal's office. And then recently, during that time, um, one of the ICE officials down at the border, a, was signing him up for information.

Q1 Um, when you told Sergeant Miedecke, did you ever have a conversation with Sergeant Miedecke where you told him that you were trying to sign this person up as a confidential informant through gang task force, but then he had been deported to Mexico?

A1 He had known that. We talked about that a couple of times. So, I'm not sure exactly, a, that answers your question.

Q1 Did you have a conversation with Sergeant Miedecke where you told him that the subject had been deported to Mexico?

A1 Yeah. He knew that.

Q1 And, when you told him that he'd been deported to Mexico, what did he tell you?

A1 I can't remember.

Q1 So if I had a conversation with him where he told me that he said, um, "subjects no longer to be eligible as a confidential informant, because he's now living in Mexico." That doesn't, that ring a bell with you? That sound familiar to that conversation?

A1 Not those words, no. What Sergeant Miedecke, the very last conversation that we had and he had made, I can't say the very last, but he, he had never said that I could not use that guy as an informant. What he had always said is him and the Lieutenant don't necessarily think it's a good idea

1 to have an informant in Mexico. This, the reason, I'm
2 assuming that they were allowing it is because he was the
3 only Carlsbad gangster that was givin' us information, and
4 we were currently going up, trying to go up on Carlsbad
5 line. And he was very close to the lines we're gonna tap.
6 So he was giving me current information at that time.

7 Q1 Do you know at, in your tenure at gang task force, is it the
8 policy, practice or custom of the gang task force to use
9 information from a, from a source other than the confo,
10 confidential informant for affidavits or for any type of
11 warrants?

12 A1 I (unintelligible), well you can have a source of
13 information.

14 Q1 Would you use their information in an affidavit for a
15 warrant?

16 A1 You could, yeah.

17 Q1 At, in this case, was this subject's information ever used
18 for any affidavits for any warrants?

19 A1 A, I gave that information, some of the information he had
20 given me, I had, yes, I had sent it over to Special Agent
21 Mike Kelly to put in the Pen Registers and the subpoena, a,
22 request for those call detail records, yes.

23 Q1 So, we went to gang task force and asked them the
24 information provided by this subject...

25 A1 Oh, you (unintelligible)...

26 Q1 ...(unintelligible) subject.

1 A1 ...warrants. They won't know it's that subject. They'll know
2 that the information came from me and then I will tell them
3 that it came from this guy.

4 Q1 Okay. So if I, if I had a conversation with Sergeant
5 Miedecke and, um, Sergeant Kearny where I ask them the same
6 question I asked you, is the policy, practice or custom of
7 anybody at the gang task force to use a source other than a
8 signed-up confidential informant for information for
9 affidavits for a warrant, and he told me no, that those two
10 sergeants, their, their information they're providing me is
11 inaccurate?

12 A1 Well, I'm not, I'm not saying that. I think, a, I'm kinda
13 confused on your question regarding a confidential source or
14 a source of information.

15 Q1 I'm saying with this subject information from him...

16 A1 Um-hum.

17 Q1 ...used in affidavits. You wrote in your e-mail is that
18 information provided by this CI has been used in recent
19 affidavits. Are you saying that...

20 A1 Yes.

21 Q1 ...information from this CI was used in recent affidavit?

22 A1 Yes. In the Pen Register affidavits.

23 Q1 So you can provide those affidavits?

24 A1 I'm sure. I passed the information on. We have active Pen
25 Registers.

26 Q1 Okay. So, if, if Sergeant Kearny and Sergeant Miedecke tell
27 me that unless an officer signed-up that CI their
28 information wouldn't be used. Is that not accurate?

1 A1 I don't, I, I don't know I've never considered that. Never,
2 never thought, never thought differently.

3 Q1 When you were assigned the gang task force, had you used
4 information from other sources for affidavits for warrants
5 that weren't signed up confidential informers?

6 A1 Yeah, reliable information, yeah. That's no different than
7 a witness.

8 Q1 So they'll be able to provide this information over at the
9 gang task force? And...

10 A1 Sergeant Miedecke might not be able to, yeah. But,
11 (unintelligible)...

12 Q1 Who, who could provide that information at gang task force?

13 A1 Um, if Mike Kelly put it in, I, let me just say it this way,
14 we're writing for the wiretap. The process, you go get the
15 call detail records first, to check activity. From there
16 you do a Pen Register to get current call detail records.
17 You still need probably cause or reasonable amount of
18 information to obtain those. I typed up something, using
19 the information this guy had given me and I passed that off
20 to Special Agent Mike Kelly who's assigned to the task
21 force. He puts it in, however he words it and puts it in
22 his affidavits, I don't know. But I passed information on
23 to him for the purpose of an affidavit.

24 Q1 So, but you don't know if it was act, actually ever used?

25 A1 I'm not a hundred percent, no. But I know we have Pen
26 Registers on Carlsbad gangsters and I was responsible for
27 the Carlsbad gangster affidavit.

1 Q1 But your email states the CI and other information provided
2 by the CI has been used. Would you say that that's an
3 affirmative statement?

4 A1 Based on what I know, I'd say yes.

5 Q1 Um, so, subs, subsequent to this meeting, April twenty-
6 seventh, and a couple of days later, a, when I spoke with
7 Sergeant Miedecke he said that you approached him again
8 about attempting to sign this subject up as a confidential
9 informant again. Is that correct?

10 A1 That was the only conversation that Sergeant Miedecke and I
11 had.

12 Q1 So this was the second time.

13 A1 I don't remember the first one.

14 Q1 He said that several months prior, you had attempted to...

15 A1 Oh, (unintelligible)...

16 Q1 ...(unintelligible) he was deported to Mexico,
17 (unintelligible) in Mexico. His statement to me was that
18 that subject could not be signed up because he could not be
19 managed if he's down in, in a foreign country. So then, on
20 or about May second or May third, there was another
21 conversation where you went into Sergeant Miedecke's office,
22 according to Sergeant Miedecke, and stated that you wanted
23 once again to try to sign this subject up as a confidential
24 informant. Did, did that conversation happen?

25 A1 The last part was something like that, a, did happen that
26 we'd gone into his office to protect the information? Yeah.
27 We talked about that and he said, he, he said that, a, I
28 didn't, I didn't need to sign him up. They weren't gonna

1 sign him up because of the Mexico, a, issue, and that I
2 could keep a file on him because we were getting information
3 from him.

4 Q1 So, in my conversations with Sergeant Miedecke, the subject
5 was not working as a confidential informant, um, his
6 statement to me is that the policy GTF is that you're to
7 shred any information you have regarding those confidential
8 informants if he's not going to be working for GTF. Are you
9 stating that was not what happened, you did not shred that
10 information? Regarding that...

11 A1 But he said I could keep a, a, a source file on him. He,
12 he, at that point he becomes a source of information.
13 Because we're, GTF is not paying him.

14 Q1 So, if Sergeant Miedecke tells me they're no longer
15 retaining any information, the subjects not going to be
16 working as a confidential informant, and he says that you
17 made a statement to him that you shredded the information,
18 that statement wouldn't be accurate?

19 A1 I've never mentioned anything like that. I, I, no, no I,
20 no, I, I, I didn't mention anything like that. I, I don't
21 even recall that being said.

22 Q1 So you never recalled any information about shredding the
23 information regarding the informant?

24 A1 No. I, I, I, I can't. I mean, I, if he said that there was
25 mention, I, I don't remember it.

26 Q1 He, he, in my conversation with him he said that he had a
27 conversation with you where you said that you had shredded
28 the information.

(unintelligible) in your second meeting with him, um,
Sergeant Miedecke said that you wanted to try to bring this
guy across the border and pay him. Was that
(unintelligible) accurate?

A1 No. No. I had made arrangements with, a, my partners to
meet him at the border to pay him for informa, to pay him
for the information he had already given me. That just
never transpired because I had never was able to make the
time to go down there and do it. I had all purposes and
intentions to pay him for the information that was comin'
in.

Q1 Um, so he, in, in my conversations with him, you stated that
you had said you, um, Sergeant Miedecke said how he was
going to sign him up again, sign him up. And you said,
"sign him up again." Was there a statement somewhat to that
made?

A1 No. The conversation with Sergeant Miedecke and I was very
short, and I, I, I don't recall much of that at all. And it
was, it was a pretty short conversation. Sergeant
Miedecke's not a guy for a lot for a lot of words.

Q1 Um-hum.

A1 I mean, it's bam-bam-bam and there were, I don't, I don't
recall that all. Maybe I wasn't paying full attention, but
I don't, I don't recall that at all.

Q1 Do you have anything?

Q2 (unintelligible)

A1 I get some air.

A2 Give us five minutes...

1 Q2 Sure.

2 A2 ...(unintelligible)around and (unintelligible).

3 Q2 Sounds good.

4 BREAK

5 Q2 (unintelligible) ask a couple of follow-up questions of the
6 stuff that Jason's already asked you. Um, a,
7 (unintelligible) now I've got to have rewind back to the
8 beginning of the interview. A, earlier you had said that
9 the CI was down there referring to Mexico, and that, um,
10 that he was unreliable and that you were trying to make him
11 reliable. So for clarification, when you said he was
12 unreliable, was it because he had provided you information
13 that was wrong, that you had corroborated or was he
14 untested? I want to make sure we don't play a game of
15 syntax.

16 A1 Um-hum.

17 Q2 Guess I want to make sure I can understand what you're
18 saying.

19 A1 Okay. The, a, I'm thinking my, maybe I, maybe I said it
20 wrong? The, the CI, and I use that interchangeably with
21 source of in, information 'cause it's common terminology
22 that we use. Um, the CI is down in Mexico. Um, he is a
23 reliable source of information. He was given to me by
24 Detective Eric Hoppe who had used him in Carlsbad on other
25 cases, for other, for other information. I had a, a new
26 source of information that I was trying to make reliable by
27 corroborating their information with the current CI.

28 Q2 Gotcha.

1 A1 And that's how we were getting, confirming, a,
2 (unintelligible), get more information on Petey Avalos.

3 Q2 So the other one was the one that was...

4 A1 Unreliable.

5 Q2 Was he unreliable because he provided information that
6 wasn't, a, that was bad? Or was he untested, and he just
7 wasn't made reliable yet? Do you understand what the...

8 A1 Yes. Yeah.

9 Q2 ...the distinction?

10 A1 Yeah. The, a, um, just to clarify--the CI that we're talking
11 about right now that led up to this report, he's a reliable
12 source.

13 Q2 Right.

14 A1 The one that's unreliable, they're unreliable, one 'cause
15 they're new, they haven't been tested, but they're, the
16 information they are providing me was very biased because
17 they, they had an agenda trying to get somebody arrested so
18 that they could benefit. So, you gotta be careful with that
19 if you're gonna use them. But, the information that I was
20 receiving pertaining, pertaining to Petey, I wanted to see
21 if it was reliable and, a, source of it, the CI in Mexico
22 would be able to confirm that. It would be information he,
23 (unintelligible), I received from (unintelligible) was the
24 same one he had heard about.

25 Q2 A, you had mentioned also as we go down your interview that,
26 that you had the significant case that you were working on
27 that I'm familiar with, and, yet you still had time to talk
28 to the CI and get information from him, and you did still

1 have time to pass the information on to your partner. Is
2 that correct?

3 A1 When you say still had time, I'm, that was like, as soon as
4 I got it I passed it.

5 Q2 Right.

6 A1 I mean there were, there was time, I didn't have time.

7 Q2 Right.

8 A1 I talked with the CI. He called me because he's nuts about
9 his status down there. A, I know he's nervous. I want to
10 take advantage of that. I want to help COV catch this guy.

11 Q2 Right. Right.

12 A1 A, and I know he knows.

13 Q2 Right.

14 A1 So, I took advantage of it.

15 Q2 So, as soon as you received the information from the CI you
16 pushed it, you just pushed it and relayed it right over to
17 the marshal?

18 A1 My partner stood right next to me...

19 Q2 Right.

20 A1 ...and, hey, this is what we got. So, 'cause I tried, I
21 thought Todd Lovelace was workin' the case, and then low and
22 behold he wasn't. But a, yeah, the time, I had no time.

23 Q2 And no, no time for one more call to...

24 A1 I...

25 Q2 ...(unintelligible).

26 A1 ...no, no. I...

27 Q2 Okay.

28 A1 ...I do.

1 Q2 That's it.

2 A1 I just forgot.

3 Q2 I understand. A, you just mentioned that when you were in
4 the room with, a, Sergeant Boyd you had a meeting with him,
5 your partner from ATF was there.

6 A1 Um-hum.

7 Q2 Can you identify who that was?

8 A1 Aaron Boone.

9 Q2 Okay. Was he in a position in the CO, VNIU office where he
10 could overhear your conversation? Was he part of the
11 conversation?

12 A1 He wasn't part of the conversation, a...

13 Q2 (unintelligible)

14 A1 ...yeah, we were, yeah we were all right there.

15 Q2 And where is Aaron right now, is he assigned to GTF?

16 A1 He's assigned to GTF.

17 Q2 Okay. Um, also you mentioned that you have this CI file, a,
18 when Sergeant Jackowski had asked you, a, "So there is a CI
19 file," and you said, "Yes." And he said, "Where is it." And
20 you said, "It is in my possession." Is it, is it a good
21 practice that you keep a CI file, or a source of information
22 file in your possession?

23 A1 I wouldn't...

24 Q2 Better to have it in your office where it's safe in case
25 your car gets burged or whatever?

26 A1 I wouldn't say it's the best practice, but I was building
27 the file, and every time I, every time I need to access it I
28

1 want it to be with me. I had an electronic copy of it and
2 so I wouldn't say it's the best practice, no. No.

3 Q2 If you're boss says that GTF knew that you had the CI file
4 outside of the office...

5 A1 Well...

6 Q2 ...how do you think they would react?

7 A1 ...a, they'd probably tell me not to do that. A, but at the
8 same time, you know, like I said, we use the word CI
9 interchangeably with the source of information. You know,
10 so, it would, he would, I was developing and trying to build
11 this package to present. So, I mean, that's why, that's why
12 I have it. And then, in the midst of all that, he gets
13 deported.

14 Q2 Um, also to the state that these guys are wanting this bite
15 of information, for lack of a better term, from this source
16 of information (unintelligible) that would help them either
17 go (unintelligible) paying, or help get some legal documents
18 so that they could, a, locate the guy over in Mexico. Um,...

19 A1 When you say "they," you're talking about COV or...

20 Q2 Yes, COV.

21 A1 ...U. S. Marshals?

22 Q2 COV. Um, when you generate these reports you generally
23 wouldn't have their name anywhere in it, would you?

24 A1 No.

25 Q2 I mean, there's only one place that their name is in the CI
26 file, right?

27 A1 On that file.

28 Q2 Right. And they are...

1 A1 (unintelligible)

2 Q2 ...referred to during those times by other terms like CI, CRI,
3 a, source...

4 A1 Human source.

5 Q2 ...a number...

6 A1 A number.

7 Q2 ...or a name.

8 A1 Um-hum.

9 Q2 'kay. So, um, you said that you were worried that they were
10 going to compromise, um, the CI and/or the source of
11 information because of that report. Would that report
12 really compromise them, because it's not, he's not
13 identified on that, that report anywhere. Was he?
14 (unintelligible) he wasn't, wouldn't be identified on that
15 report anywhere would he?

16 A1 No. He, he wouldn't, he wouldn't be identified in that, in
17 that report at all. One of the reasons, there was, you
18 know, and for me the, in the (unintelligible) the CI file
19 came out of the thin blue air, because it's normal practice
20 that we have. I mean, a, but there, when they were asking
21 these questions my, I had a lot of concerns. A lot of
22 concerns. One, I, I thought I was backed in a corner and
23 I'm tryin' to help them. They're, I know they would expose
24 the CI. 'Cause Sergeant Williams will, would want that like
25 they did on the last CI. They wanted the information to go
26 on their case because I don't think they concern themselves
27 about other, my cases. So, I was very concerned with that
28 because it, exposing the CI for a warrant on a guy down

1 there it would go in the, it, it would eventually, I believe
2 it was gonna go in a report. If that guy gets arrested
3 within the next six months, that becomes disclosed. We're
4 trying to go up, and they realize who the informant or
5 source of information was at that time, they're gonna,
6 those, those Carlsbad gangsters were, the suspects, they're
7 gonna know and they're gonna make the calls. And all the
8 work that we had started and money that we had spent, those
9 guys gonna drop their lines.

10 Q2 Wasn't the COV case on the homicide completed and the only
11 information that your source of information would have
12 provided was the location which would have been irrelevant
13 and not really included in the Carlsbad case.

14 A1 I would, I don't know that. I, I don't know how much of the
15 information they were gonna use. I thought they were going
16 to use the phone number. I don't know if they were use, use
17 (unintelligible) gang (unintelligible). I don't know if
18 they were gonna use it to (unintelligible), um, Angel
19 Martinez talkin' about it. I don't know what part of those...

20 Q2 And even if they hadn't used all of those...

21 A1 Um-hum.

22 Q2 ...to get a ping on a phone or to get a GPS track on this guy
23 somehow. How would that ever be included in the homicide
24 case? How would that, how would that ever be discovered?
25 How would that ever have any discovery issue?

26 A1 Everything's discoverable. They weren't gonna, I don't,
27 that's why I sent that e-mail. Not to, a, to, to seal that
28 portion, I, I wa, I, I wanted to protect all that

1 information. I, I didn't know how they were gonna use the
2 information. They may, from what I understand...

3 Q2 Okay.

4 A1 ...they already knew this information from Eric Hoppe. But,
5 he didn't write a report, yet they want one from me. So, I
6 mean, from our standing, they already had the information.
7 So I was telling 'em old information.

8 Q2 Um, the, maybe we'll play with this e-mail thing here just
9 for a moment. So, in the e-mail here it says, "The CI
10 (quoting from the e-mail here), the CI and other information
11 provided by the CI has been used in recent affidavits to
12 begin the wiretap for upcoming case." So, would he, would
13 the source of the information, the undoc, unofficial
14 document source of information used in an application for a
15 Title three wiretap or State wiretap.

16 A1 To the best of my knowledge, yes.

17 Q2 How could it have been done if he was not documented in your
18 guys's file? How could he have been, I mean, I'm not
19 talking about Pen Registers, not talking about Pen
20 Registers, different, different factor. I'm talking about
21 application for (unintelligible)...

22 A1 (unintelligible) for upcoming. We're still in the
23 preliminary stages of it.

24 Q2 Right.

25 A1 Yeah.

26 Q2 That's total, that's what I'm asking is.

27 A1 In the application for the actual Title Three wiretap, no.
28 He hadn't...

1 Q2 That's not the question I asked.

2 A1 He hadn't been (unintelligible)...

3 Q2 That's the question...

4 A1 ...(unintelligible) that case...

5 Q2 Right. Right.

6 A1 ...we're at the preliminary beginning...

7 Q2 Right.

8 A1 ...all the necessities you need...

9 Q2 Copy.

10 A1 ...to build that.

11 Q2 I (unintelligible) get that.

12 A1 So,...

13 Q2 That's why I, that's why I asked the question.

14 A1 Um-hum.

15 Q2 That's why I (unintelligible).

16 A1 Okay.

17 Q2 He wasn't used in the application for the Title Three, and,

18 it's not to say he couldn't be used down the road.

19 A1 Well, that's gonna be (unintelligible) all that, all the Pen

20 Registers for all that's discoverable on the Federal side...

21 Q2 Right. Right.

22 A1 So it all goes into the necessity of the...

23 Q2 Right. Right.

24 A1 ...a, source documentations for Title Three. So that's,

25 that's going to be out there.

26 Q2 You said that you went, a, we were thinking towards the end

27 of the interview you said that you were thinking about

28 trying to get, or make arrangements to go down to the border

1 to meet with the CI, to pay him. How could you pay the CI
2 if he's not documented with GTF? How would you, how would
3 you document that payment transaction? How would you do
4 that?

5 A1 Each, each one of the guys on the task force, the benefit of
6 being on the task force is, is you can take advantage of
7 everybody's, a, department policies for each perspective
8 agencies.

9 Q2 Right.

10 A1 The way I was using this guy is the same way they used him
11 here in Carlsbad. Eric Hoppe used him the same way. He
12 never signed any packet. He was never officially signed up,
13 but they used him the same way.

14 Q2 And they paid him?

15 A1 They paid him. Eric deactivated him from Carlsbad, which
16 Boyd said he wasn't, and gave him to me. And I was going to
17 use him the same way. But, eventually working to get him an
18 official number...

19 Q2 Okay.

20 A1 ...so that he can get paid by GTF. Not by any other agencies.
21 So, because we hadn't got to that stage in the
22 (unintelligible), got in the way of everything, a, me trying
23 to make time to go down and pay him. Chaco, from the U. S.
24 Marshal, they and, a, ATF and ICE, I'd already worked with
25 these, talked with these guys to get this guy some money to
26 keep the information coming. They each get to take funds
27 from their own respective department and pay towards an
28 investigative, a, case. So, I had arranged to get money

1 from these guys to pay this guy through the GTF because
2 there was a (unintelligible) to pay for, to pay for the
3 information that was coming. So the money was there, it was
4 just, I just didn't have time.

5 Q2 So, the documentation for how money would, would have been
6 spent if it had happened...

7 A1 Which was (unintelligible), it was supposed to happen.

8 Q2 ...would come out of, it would have gotten, gotten to you and
9 then it would have been circumvented to the other agencies,
10 whatever, whichever one it was, ICE or whoever you were
11 using (unintelligible), and then they would have managed it.
12 They would have taken care of the application of funds.

13 A1 Exactly. Exactly.

14 Q2 They would have been, that money would have been, that,
15 that, that would be taken care of by those guys.

16 A1 Through their process.

17 Q2 Right.

18 A1 Um-hum.

19 Q2 However it is.

20 A1 However it is. Yeah.

21 Q2 Not your problem.

22 A1 Not my problem.

23 Q2 Okay. Throughout this whole process and all the things that
24 Sergeant Jackowski has gone through throughout all of your
25 conversations starting with the ones in the COV area with
26 Williams and Christie, all the way through the, through the
27 ones that were in Lieutenant Magro's office, and the ones
28 that were with your sergeants over in GTF, and all this

1 other stuff. Were you, um, giving information out that was
2 truthful and honest or were you embellishing information to
3 make yourself look like a shot caller?

4 A1 I was never, ever trying to look like a shot caller or a big
5 baller or whatever. I, I, I, the, I never look at myself
6 like that. I, I, like most officers we're, we're confident,
7 you know, that's part of this job having a command presence.
8 I like what I do. I thought I was doing a great job. I
9 never, ever tried to look like that, especially working at
10 GTF, when they've got so many more senior guys there. You,
11 I would, I'd a big giant piece of humble pie the moment I
12 got there. It, it, that, that was never my intentions at
13 all. A, did I intentionally try to mislead 'em? Absolutely
14 not. I, I've been regretting it the second it came out, and
15 I, and I made a bad mistake for us.

16 Q2 What have you been trying to regret? What bad mistake did
17 you make?

18 A1 The meeting with Sergeant Williams and misleading him about
19 the, the file, trying to buy myself some time.

20 (unintelligible) I'm back in a corner (unintelligible) to
21 expose my case. I mean, that was a lot of hours, a lot of
22 hours go into these things. I mean, in, in like everything
23 I do with guys it's their way, right now, no matter what
24 (unintelligible)...

25 Q1 In an earlier part of our conversation you only said that
26 you misled Sergeant Kearny instead of saying that when you
27 provided that information to Lieutenant Magro, Sergeant
28 Williams, and Sergeant Boyd, that you met, misled them as

1 well regarding the, the existence of a former confidential
2 informant file?

3 A1 In that meeting there wa, it wasn't where I said that it was
4 gonna be. The file wasn't in GTF locked up. I had it with
5 me.

6 Q1 Wouldn't it have just been, just as easy to say, "I have the
7 file with me, but I can't provide you with this inf, I want
8 to talk to my supervisors at GTF prior to providing you with
9 the information?"

10 A1 In hindsight, yes. At the moment, and the, the tone, and
11 the, the, the aggressiveness in that office, the, I have,
12 you, you know, you don't understand Sergeant Jackowski what
13 I've been goin' through for the last, this is a culmination
14 of, of the behavior that I've been receiving. And from
15 these, Sergeant Williams and Hargett backed by, a, now
16 backed by Magro, I truly feel like every time I'm with those
17 guys I'm in the lion's den and I'm dinner. No matter how
18 helpful I try to be, no matter how much information I give
19 'em, it's never good enough. It, it's the way they want it,
20 how they want it, and I literally it's like walking on egg
21 shells every time I'm around those guys.

22 Q1 So did you feel you had to mislead them in order to appease
23 them later?...

24 A1 No.

25 Q1 ...To provide them the information?

26 A1 No. By me saying that the file was at GTF. There was no
27 thought in that. That was, that came out of thin air.

1 Q1 Wouldn't it have just mitigated everything that's happening
2 today if you would have said, "One, that I didn't document
3 the information from the informant." There's no written
4 record of it anywhere. And "two, that I have, whatever
5 information I do have from the informant, I have it with
6 me." Wouldn't that have alleviated everything from that day
7 forward until where we are right now?

8 A1 In hindsight, absolutely. I, I, I regret it absolutely.

9 Q1 So you told them that that a document exists, that never
10 existed. A file existed, that wasn't the confidential
11 informant file that only existed in your own possession.

12 A1 Well, I called it an informant file.

13 Q1 Is that, is that accurate?

14 A1 That was misleading, yes.

15 Q1 Okay.

16 A1 Yeah. An, an, and I, I, I, it, it came out because that's
17 how we normally do business. And that was not, I, I'm, I
18 realize that I, I put no thought in that at all. I wanted
19 to get out of that office as quick as possible. There's, it
20 was, it was not, I was so stressed out in that, that thing.
21 I mean, even Sergeant Boyd eventually had to intervene
22 because it was so, and I called him afterwards. I, I, I was
23 literally so stressed afterwards that, I go, "Sarg, this is
24 every, every time I deal with the guys we have
25 (unintelligible), I have to be accusatory. Now they imply
26 everything I do is horrible, it's wrong.

27 Q1 I just don't understand how being misleading that you say,
28 or possibly untruthful would make anything regarding your

1 situation, that environment better. That wasn't a question,
2 actually a statement, but, you know, how, how
3 (unintelligible)...

4 A1 (unintelligible) is clear. I, I wanted to get out of that
5 office as soon as possible and that's what came out. That
6 I, that it, that was, that basically ended the conversation,
7 and Boyd finally stepped in and I'm like, I'm out. I, I, I,
8 it was just, it was nothing, and again...

9 Q1 At any time after that conversation in that meeting did you
10 think, "You know what, I should just call up Sergeant Boyd..."

11 A1 Yes.

12 Q1 "...stand tall for it and tell him, there's no confidential
13 file that existed."

14 A1 I, I tried calling Sergeant Boyd. Four times I attempted to
15 contact him and he deliberately, I don't know what his
16 reasons were, he would not return any of my calls.

17 Q1 Send him a text (unintelligible)?

18 A1 I sent him a text, yep. I said, "Hey, you clear for a
19 call?" He said he was at dinner. I said, "Can you please
20 call me when you're done." (unintelligible)

21 Q1 But prior to Lieutenant Magro or Sergeant Boyd?

22 A1 Honestly Sarg, I, I didn't feel I could go to Magro. I
23 didn't feel I could go to, definitely not Sergeant Williams.
24 I, I go, I, I felt Sergeant Boyd was my, my only option, and
25 I'm, I obviously made a poor judgment. I, I would, I felt
26 that I was, I would, it would, I didn't have any other
27 options and I tried to go with Sergeant Boyd and eventually
28

1 tell him everything, but he wouldn't, he wouldn't take any
2 of my calls.

3 Q1 We just seem to be in a different place then where we were
4 fifteen, twenty minutes ago we were having a conversation
5 about the meeting with Lieutenant Magro, with all the
6 excuses about the existence of the file which you had told
7 them, and now its, you know, you're admitting that you
8 misled them regarding that information.

9 A1 Did I not say that earlier?

10 Q1 I, I, I don't recall it exactly happening like that, but
11 I'll have to review the tape and then when I go through it.
12 But you seem to be more forthcoming now in your conversation
13 with us.

14 A1 I've been, I've, I've (unintelligible) answered all the
15 questions. I know I answered all the questions honestly.
16 The words they chose in the meetings weren't the word that
17 you were, that you were saying.

18 Q1 All right.

19 A1 They, they (unintelligible)...

20 Q1 (unintelligible) were based on what they told me afterwards
21 because (unintelligible)...

22 A1 (unintelligible) they had plenty of time to think about
23 where I, what the proper words to use.

24 Q1 Sure.

25 A1 Just like I use CI versus source of information. I mean,
26 it's interchangeable. I mean, it's just, just kinda how we
27 use it.

28 Q1 Uh-huh.

1 A1 I mean, but I, there, there would, you know, after, there
2 was nothing here that I intentionally tried to do.
3 Absolutely not. There was no, no way I would jeopardize my
4 career. It, it just would never about, I mean I can't
5 emphasize that enough.

6 Q1 Okay. (unintelligible). One more thing, um, Sergeant Koran
7 wrote a supplement, did, did you contact Sergeant Koran on
8 or about May second, two thousand twelve at about seventeen
9 twenty-three hours? At his residence while he was off duty.

10 A1 I think so yes.

11 Q1 Did you send him a text message?

12 A1 I can't remember.

13 Q1 Did you send him a text, do you recall sending him a text
14 message where you asked him if he was clear for a phone
15 call?

16 A1 I may have.

17 Q1 According to Sergeant Koran you did, and that you had a
18 conversation. Um, and during that conversation you stated
19 you stepped on it. And we're, we're asking him for
20 information about either going with a rep or an attorney.
21 Do you recall that conversation?

22 A1 Yes I do.

23 Q1 What did you mean when you stated, "I stepped on it."

24 A1 That I mislead Sergeant Williams and them.

25 Q1 And, (unintelligible) did you guys have any other
26 discussions from that conversation?

27 A1 I can't remember (unintelligible), that's pretty much the
28 gist of it. I didn't tell him what I did. I, I truly

1 didn't think I could tell anybody. I was, I was, I was
2 completely, I just didn't think I could, I could tell
3 anybody. I just wanted to be done with it. I wasn't, and I
4 wasn't, I wasn't trying to make a bad situation worse. I
5 really wasn't. I just didn't know what to do.

6 Q1 Can you think of any other information that might be
7 beneficial to this case? I know I'm not asking a question,
8 but if there's any other statement you wanted to make or...

9 A1 No. I, a,...

10 Q1 ...something that we haven't asked that you wanted to provide?

11 A1 ...no, other than, I mean, I, I did not intentionally set out
12 to cause this situation. I did not intentionally try to
13 mislead Sergeant Williams, even though, even regardless of
14 our past history, and how much they dislike me, I still have
15 a job to do and I, and I've said that to many people. I
16 will do my job in a professional manner. None of this was,
17 was ever thought out to be this, it, it, I, I regret it. I
18 mean, I, I, and I didn't think I could truly turn to
19 anybody. And I felt if I gave them the accurate
20 information, it would be okay. I tried to talk to Sergeant
21 Boyd, he wouldn't return any of my calls, wouldn't respond
22 back to my text messaging. (unintelligible) Greg Koran,
23 we're good friends, I could, I couldn't even feel I could
24 tell him. I just didn't feel like I could talk to anybody,
25 because I had already talked to the Captain about the
26 relationship I had with, with Hargett and Mil, Williams, I
27 even talked to the Chief about it. I really didn't think
28 anybody was gonna help me. I, I, I felt like I was on an

1 island by myself, and that, that I, that I literally felt
2 that way for years with these guys.

3 Q2 Um, you (unintelligible). A, were you called by Cheri
4 Abbott in Human Resources to talk about a potential admin
5 forty-five, um, violation by this group of people.

6 A1 Yes I was.

7 Q2 Did you meet with her?

8 A1 I did.

9 Q1 Did she ask you about the, this, a, work environment that
10 you were working in?

11 A1 She did.

12 Q2 And, how did you respond?

13 A1 Before I gave her the answer, I had already talked with
14 Captain Rowland. He shared his personal, a, experiences
15 with me. I talked to the Chief, he shared some personal
16 experiences with me. And, and I told them both, there's,
17 there's no way I'm going forward with a hostile work
18 environment with these guys. And I, basically laid it out
19 to them that, the Captain got wha, Captain told me he's got
20 less than a year left, he's gone. He's not going to help
21 me. The Chief, five year contract, he, he's gone. Now I,
22 I, I was pretty candid with him. I go, "I can either have a
23 comfortable thirteen years or I can have another miserable
24 thirteen years." These guys will never forget if I go
25 forward on hostile work environment. Do I want to subject
26 myself to, to more of this? Absolutely not! I mean, this
27 is, this is, this is not just affecting me professionally,
28 with my family. I mean, this goes, I mean I, the medica, I

1 mean there's a lot of other things goin' on here that, that,
2 that's been the cause and effect of this thing. So there's
3 no way that I was gonna go forward with a hostile work
4 environment, just because of the repercussions that I would
5 feel later on. And when Cheri Abbott asked me that, no, I
6 didn't tell her that. I told her I was at peace with
7 myself. I mean, I do my job, and I'm gonna finish my career
8 with the least amount of action I can, and just go forth,
9 'cause these guys are never gonna (unintelligible). And
10 she, she asked me, "Do you feel like there's going to be
11 some retaliation?" And when she said that to me, I'm
12 thinking like any other cop, I'm not afraid of anybody. I'd
13 never, ever thought the other way, that it would be more
14 career sabotaged. I, I, my first impression it was, I mean,
15 (unintelligible), you know try to fight me or somethin',
16 (unintelligible) my (unintelligible) I mean, I work with
17 gangs, that's what my first impression of that
18 (unintelligible). I mean, that's why I didn't,
19 (unintelligible) retaliation, and then, never thought about
20 the other side.

21 Q2 So, I guess we'll go back to my question. So, how did you
22 respond to Cheri Abbott when she asked you if you're working
23 in a hostile environment?

24 A1 I told her I was at peace with myself and I'm not going to
25 go forward with the hostile work environment. A,
26 (unintelligible).

27 Q2 And then when she asked you about the retaliation, how did
28 you respond to that?

1 A1 I said I, I, I wouldn't, tell her I didn't feel any
2 retaliation, 'cause I was thinking violence. I was not
3 thinking anything other than violence. I, I didn't realize,
4 I didn't think that it would affect my career like she was
5 probably thinking, and I wasn't thinking that mentality at
6 all.

7 Q2 But you're confusing me a little bit Jesse, so just walking
8 through it then, 'cause you just got done telling them
9 (unintelligible), you just got done telling us that your,
10 the reason, one of the reasons why that you felt compelled
11 because you wanted to have a longer career here without a
12 lot of repercussions from this group of people that are
13 allegedly making your life miserable.

14 A1 Um-hum.

15 Q2 So, I mean, it doesn't sound like retaliation to me.

16 A1 That is retaliation, but the, when she asked me about
17 retaliation, my first thought was physical retaliation, and
18 that's why I said no.

19 Q2 All right. And do you remember talking to Captain Rowland
20 or Chief Morrison, and then, a, telling you that when you
21 got called over here that you should tell her the truth?

22 A1 They said I should tell her everything.

23 Q2 Yes.

24 A1 And I told them why I wouldn't.

25 Q2 I don't have any more questions.

26 Q1 Okay. We have not further questions at this time. On
27 behalf of the Chief of Police I'm ordering you not to
28 disclose anything we've discussed during this interview or

1 anything regarding this investigation with anyone, other
2 than your representative or legal counsel. To do so would
3 be insubordination, and by itself would subject you to
4 disciplinary action up to and including termination. Do you
5 understand?

6 A1 Yes.

7 Q1 This concludes the interview and the time is now fifteen
8 fifty hours.

9 END OF INTERVIEW



CITY OF
CARLSBAD
Police Department

Confidential Memorandum

May 22, 2012

TO: Officer Jesse Flores

FROM: Sergeant Jason Jackowski
Professional Standards and Services Division

RE: **INTERNAL AFFAIRS INVESTIGATION 12-17**

An administrative investigation is currently being conducted into events which allegedly occurred beginning on April 27, 2012. It is alleged that you violated department policy §340.3.5 (i) and §340.3.5 (ad) when you purportedly were untruthful in providing information to Carlsbad Police Department supervisors regarding the existence of a confidential informant file and were untruthful in an email report to supervisors stating that a subject known to you was an active informant in current Gang Task Force cases. It is also alleged that you violated department policy §340.3.5 (c) when you failed to report information in a timely manner related to the location of a wanted homicide suspect.

On behalf of the Chief of Police, I am ordering you to report to my office on Thursday, May 31, 2012 at 1400 hours to answer questions relating to this administrative investigation. Failure to appear will be considered an act of insubordination and can be an independent basis for disciplinary action, up to and including dismissal.

I am the fact-finder in this investigation. Lieutenant Paul Mendes and I will be interviewing you and no one else will be present.

The investigative interview will be recorded. You will have access to the recording if any further proceedings are contemplated or prior to any further investigative interview at a subsequent time. You have the right to bring your own recording device and record any and all aspects of the investigative interview.

You have the right to be represented by a representative of your choice who may be present at all times during the investigative interview. This representative shall not be a person subject to the same investigation. If your representative is not an attorney, you must notify me who you would like to represent you prior to contacting them or discussing this investigation with them. This will ensure that the person selected is not connected to this investigation. Should you have any questions or concerns contact me.

Page 2

TO: Officer Jesse Flores

RE: INTERNAL AFFAIRS INVESTIGATION 12-17

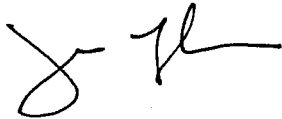
You are ordered not to discuss this investigation or its subject matter with other employees of the City, except for me or your representative.

Failure to comply fully with the provision of this notice shall be deemed an act of insubordination, and may result in disciplinary action, up to and including dismissal.

Please contact me if you have any questions prior to the interview.

I have received a copy of this memorandum and I agree to comply with the orders issued.

Signed:

A handwritten signature in black ink, appearing to be "J. Flores", written over the "Signed:" label.

Date: 5-22-2012

INTERVIEW ADMONITION FOR PEACE OFFICERS

NON-CRIMINAL ACTION

START RECORDING

I am **Sgt. Jason Jackowski** and I am the officer in charge of this investigation for the Carlsbad Police Department. We are in the Human Resources Conference Room at the Faraday Facility.

☐ No one will be assisting me with this interview today.

☒ **Lt. Paul Mendes** is also present and will be assisting with this interview.

Present at this interview is **Officer Jesse Flores**.

☒ Michael Williamson is also present and will be acting as your representative / legal counsel.

☐ If the employee chooses not to have a representative, indicate so on the recording by stating:

_____, do you understand per Government Code § 3303(i) as the accused in this matter you have the right to have a representative present during this interview? A: _____.

Are you waiving your right to have a representative present? A: _____.

Today's date is May 31, 2012. The current time is 1427 HR.

Pursuant to Government Code § 3303(g), I am recording this interview. **Officer Flores**, you have the right to record the interview as well.

Are you taking any medication which would cause you to be unable to understand and respond truthfully and fully to the questions that will be asked of you? A: _____.

Have you failed to take any prescription or other medication which would assist you to understand and respond truthfully and fully to the questions that will be asked of you? A: _____.

Are you suffering from any physical or mental condition that will cause you to be unable to understand and respond truthfully and fully to the questions that will be asked of you? A: No.

The purpose of this interview is to discuss IA case # **12-17**.

The allegations focus on, but are not limited to Carlsbad Police Department Policies:

§340.3.5 (i): *The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.*

§340.3.5 (ad): *Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.*

§340.3.5 (c): *Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.*

The nature of this investigation is that you purportedly were untruthful in providing information to Carlsbad Police Department supervisors regarding the existence of a confidential informant file and were untruthful in an email report to supervisors stating that a subject known to you was an active informant in current Gang Task Force cases. It is also alleged that you violated department policy when you failed to report information in a timely manner related to the location of a wanted homicide suspect.

LYBARGER ADMONISHMENT

Today's questioning concerns administrative matters relating to the official business of the Carlsbad Police Department. I am not questioning you for the purpose of instituting a criminal complaint against you. If, however, during the course of this questioning you disclose information, which indicates that you may be guilty of criminal misconduct, neither your self-incriminating statements nor the fruits of any self-incriminating statements you make to me will be used in any criminal legal proceedings.

Q. Officer Flores, do you understand what I just read to you? A: YES

Q. Do you have any questions regarding what I read? A: NO

On behalf of the Chief of Police, I now order you to completely and truthfully answer my questions. Failure to answer my questions will be deemed insubordination and will subject you to discipline, up to and including termination.

Q. Do you understand? A: YES

BEGIN QUESTIONING

have no further questions at this time. On behalf of the Chief of Police, I am ordering you not to disclose anything we discussed during this interview or anything regarding this investigation with anyone (other than your representative or legal counsel). Doing so would be insubordination and by itself would subject you to disciplinary action, up to and including termination. Do you understand? A: _____

This order will be automatically lifted when you are given notice of the findings by your division commander.

This concludes the interview. The time now is 1556.

STOP RECORDING



CITY OF
CARLSBAD
Police Department

Confidential Memorandum

May 7, 2012

TO: Lieutenant Matt Magro

FROM: Sergeant Jason Jackowski
Professional Standards and Services Division

RE: **INTERNAL AFFAIRS INVESTIGATION 12-17**

This is to inform you that a complaint has been received against an officer of this department and you have been identified as a potential witness. Due to the nature of the complaint you will be interviewed to determine if you can provide any relevant information. I have scheduled your interview for MAY, 7 2012 at 0940 hours in my office.

Even though you are not the subject of this investigation, you will be allowed to have a representative of your choice present during your interview if you desire. Your representative may be an attorney, a member of the Police Association, or anyone else not connected with this investigation. If your representative is not an attorney, you must notify me who you would like to represent you prior to contacting them or discussing this investigation with them. This will ensure that the person selected is not connected to this investigation. Should you have any questions or concerns contact me.

On behalf of the Chief of Police, I am officially ordering you of the following: Do not discuss this investigation or the allegations with anyone other than your chosen representative, your attorney or me. This includes but is not limited to, any conversation either in person, by telephone, or any written or electronic communication, either on or off duty. Your failure to abide by this order will be deemed insubordination, pursuant to Carlsbad Police Department Policy § 340.3.5(e) - Performance, and may result in discipline, up to and including termination. MM (Initial)

Respectfully,

Sergeant Jackowski

I have received a copy of this memorandum and I agree to comply with the orders issued.

Signed: Matt Magro Date: 5/7/12

INTERVIEW ADMONITION FOR PEACE OFFICERS

WITNESS

START RECORDING

I am SERGEANT JACKOWSKI (Rank and Name) and I am the officer in charge of this investigation for the Carlsbad Police Department.

Today's date is MAY 7, 2012. The current time is 0940.

We are in MY OFFICE at the Carlsbad Police station.

☒ No one will be assisting me with this interview today.

☐ _____ (Rank and Name) is also present and will be assisting with this interview.

Present at this interview is (Witness Rank and Name) LT. MATT MACRO.

☐ _____ is also present and is being permitted to act as your representative.

☐ Are ~~(both of)~~ you are aware that representation at this point is not an afforded right under the Peace Officer's Bill of Rights because you are a witness officer? A: YES.

This interview is being recorded.

The purpose of this interview is to discuss an allegation of misconduct by OFFICER JESSE FLORES on 4/27/2012 (specifically 304.3.5 (ad) - PERFORMANCE.)

Today's questioning concerns administrative matters relating to the official business of the Carlsbad Police Department. On behalf of the Chief of Police, I now order you to answer my questions completely and truthfully. If at any point I determine your involvement is more than that of a witness, I will stop the interview and we will reschedule for a later time wherein you will be provided with all the rights afforded to an accused officer per the Peace Officer Bill of Rights.

Q: LT. MACRO, do you understand what I just read to you? A: YES

Q. Do you have any questions regarding what I read? A: NO

BEGIN QUESTIONING

I have no further questions at this time. On behalf of the Chief of Police, I am ordering (both of) you not to disclose anything we discussed during this interview or anything regarding this investigation with anyone (other than each other.) However, you may speak with legal counsel should you choose to consult an attorney.

Disclosure of anything we discussed during this interview would be considered insubordination and by itself would subject you to disciplinary action, up to and including termination. LT. MACRO, do you understand? A: YES

This order will remain in effect indefinitely due to the nature of the investigation.

This concludes the interview. The time now is 1013.

STOP RECORDING



CITY OF
CARLSBAD
Police Department

Confidential Memorandum

May 7, 2012

TO: Sergeant Mickey Williams

FROM: Sergeant Jason Jackowski
Professional Standards and Services Division

RE: **INTERNAL AFFAIRS INVESTIGATION 12-17**

This is to inform you that a complaint has been received against an officer of this department and you have been identified as a potential witness. Due to the nature of the complaint you will be interviewed to determine if you can provide any relevant information. I have scheduled your interview for 5-7-2012 at ~~0200~~ 1400 hours in my office.

Even though you are not the subject of this investigation, you will be allowed to have a representative of your choice present during your interview if you desire. Your representative may be an attorney, a member of the Police Association, or anyone else not connected with this investigation. If your representative is not an attorney, you must notify me who you would like to represent you prior to contacting them or discussing this investigation with them. This will ensure that the person selected is not connected to this investigation. Should you have any questions or concerns contact me.

On behalf of the Chief of Police, I am officially ordering you of the following: Do not discuss this investigation or the allegations with anyone other than your chosen representative, your attorney or me. This includes but is not limited to, any conversation either in person, by telephone, or any written or electronic communication, either on or off duty. Your failure to abide by this order will be deemed insubordination, pursuant to Carlsbad Police Department Policy § 340.3.5(e) - Performance, and may result in discipline, up to and including termination. MW (initial)

Respectfully,

Sergeant Jackowski

I have received a copy of this memorandum and I agree to comply with the orders issued.

Signed:

M. WILLIAMS

Date:

5-7-12

INTERVIEW ADMONITION FOR PEACE OFFICERS

WITNESS

START RECORDING

I am Sgt. Jason Jackowski (Rank and Name) and I am the officer in charge of this investigation for the Carlsbad Police Department.

Today's date is 5-7-2012. The current time is 1416.

We are in MY OFFICE at the Carlsbad Police station.

☒ No one will be assisting me with this interview today.

☐ _____ (Rank and Name) is also present and will be assisting with this interview.

Present at this interview is (Witness Rank and Name) Sgt. Mocket Williams.

☐ _____ is also present and is being permitted to act as your representative.

☐ Are (both of) you are aware that representation at this point is not an afforded right under the Peace Officer's Bill of Rights because you are a witness officer? A: YES.

This interview is being recorded.

The purpose of this interview is to discuss an allegation of misconduct by Off. Jesse Flores on 4/27/2012 (specifically 304.315 (ad) - PERFORMANCE).

Today's questioning concerns administrative matters relating to the official business of the Carlsbad Police Department. On behalf of the Chief of Police, I now order you to answer my questions completely and truthfully. If at any point I determine your involvement is more than that of a witness, I will stop the interview and we will reschedule for a later time wherein you will be provided with all the rights afforded to an accused officer per the Peace Officer Bill of Rights.

Q: Sgt. Williams, do you understand what I just read to you? A: YES

Q. Do you have any questions regarding what I read? A: NO

BEGIN QUESTIONING

I have no further questions at this time. On behalf of the Chief of Police, I am ordering (both of) you not to disclose anything we discussed during this interview or anything regarding this investigation with anyone (other than each other.) However, you may speak with legal counsel should you choose to consult an attorney.

Disclosure of anything we discussed during this interview would be considered insubordination and by itself would subject you to disciplinary action, up to and including termination. Sgt. Williams, do you understand? A: YES

This order will remain in effect indefinitely due to the nature of the investigation.

This concludes the interview. The time now is 1446.

STOP RECORDING



CITY OF
CARLSBAD
Police Department

Confidential Memorandum

May 1, 2012

TO: Sergeant Chris Boyd

FROM: Sergeant Jason Jackowski
Professional Standards and Services Division

RE: **INTERNAL AFFAIRS INVESTIGATION 12-17**

This is to inform you that a complaint has been received against an officer of this department and you have been identified as a potential witness. Due to the nature of the complaint you will be interviewed to determine if you can provide any relevant information. I have scheduled your interview for 5-8-2012 at 1100 hours in my office.

Even though you are not the subject of this investigation, you will be allowed to have a representative of your choice present during your interview if you desire. Your representative may be an attorney, a member of the Police Association, or anyone else not connected with this investigation. If your representative is not an attorney, you must notify me who you would like to represent you prior to contacting them or discussing this investigation with them. This will ensure that the person selected is not connected to this investigation. Should you have any questions or concerns contact me.

On behalf of the Chief of Police, I am officially ordering you of the following: Do not discuss this investigation or the allegations with anyone other than your chosen representative, your attorney or me. This includes but is not limited to, any conversation either in person, by telephone, or any written or electronic communication, either on or off duty. Your failure to abide by this order will be deemed insubordination, pursuant to Carlsbad Police Department Policy § 340.3.5(e) - Performance, and may result in discipline, up to and including termination. LMB (Initial)

Respectfully,

Sergeant Jackowski

I have received a copy of this memorandum and I agree to comply with the orders issued.

Signed:

LMB #5165

Date:

0508-12

INTERVIEW ADMONITION FOR PEACE OFFICERS

WITNESS

START RECORDING

I am Sgt. Jason Jackowski (Rank and Name) and I am the officer in charge of this investigation for the Carlsbad Police Department.

Today's date is May 8, 2012. The current time is 1106.

We are in My OFFICE at the Carlsbad Police station.

☒ No one will be assisting me with this interview today.

☐ _____ (Rank and Name) is also present and will be assisting with this interview.

Present at this interview is (Witness Rank and Name) Sgt. Curtis Boyd.

☐ _____ is also present and is being permitted to act as your representative.

☒ Are (both of) you ~~are~~ aware that representation at this point is not an afforded right under the Peace Officer's Bill of Rights because you are a witness officer? A: YES.

This interview is being recorded.

The purpose of this interview is to discuss an allegation of misconduct by Off. Jesse Flores on April 27, 2012 (specifically 304.3, 5 (a) - PERFORMANCE.)

Today's questioning concerns administrative matters relating to the official business of the Carlsbad Police Department. On behalf of the Chief of Police, I now order you to answer my questions completely and truthfully. If at any point I determine your involvement is more than that of a witness, I will stop the interview and we will reschedule for a later time wherein you will be provided with all the rights afforded to an accused officer per the Peace Officer Bill of Rights.

Q: Sgt. Boyd, do you understand what I just read to you? A: YES

Q. Do you have any questions regarding what I read? A: NO

BEGIN QUESTIONING

I have no further questions at this time. On behalf of the Chief of Police, I am ordering (both of) you not to disclose anything we discussed during this interview or anything regarding this investigation with anyone (other than each other.) However, you may speak with legal counsel should you choose to consult an attorney.

Disclosure of anything we discussed during this interview would be considered insubordination and by itself would subject you to disciplinary action, up to and including termination. Sgt. Boyd, do you understand? A: YES

This order will remain in effect indefinitely due to the nature of the investigation.

This concludes the interview. The time now is 1113.

STOP RECORDING

EMPLOYEE RECEIVING COMPLAINT: _____

TIME & DATE: _____

☐ IN PERSON ☐ U.S.MAIL ☐ MESSENGER/CERTIFIED MAIL ☐ OTHER: _____

PROFESSIONAL STANDARDS USE ONLY

REVIEWED BY: Sgt. KORAN DATE: 5/3/12 I.A. CASE # 12-17

NATURE: ☐ Use of Force, ☒ Honesty, ☐ Race/Bias, ☐ Civil Rights, ☐ Other:

ASSIGNED FOR INVESTIGATION

☒ Yes, assigned to: Sgt. JACKOWSKI

☐ No, complaint RESOLVED per Department Policy.

Officer's acknowledgement: _____ Date: _____

Division Commander: _____ Date: _____

CARLSBAD POLICE DEPARTMENT
2560 ORION WAY, CARLSBAD, CA 92010

SUPERVISOR'S COMPLAINT SUMMARY

TO BE COMPLETED BY LIEUTENANT OR SERGEANT

COMPLAINANT'S NAME			DATE OF BIRTH		HOME PHONE
Sgt. Chris Boyd					
COMPLAINANT'S ADDRESS		CITY	STATE	ZIP	BUSINESS PHONE
Carlsbad PD					
LOCATION OF INCIDENT		CITY	ZIP	DATE AND TIME OF INCIDENT	
Carlsbad PD				April 27, 2012	

NAME(S) OF POLICE PERSONNEL INVOLVED

Officer Jesse Flores

BRIEF NARRATIVE OF COMPLAINT

On April 27, 2012, Officer Flores had a conversation with Sgt. Williams. During that conversation, Officer Flores stated he had received information from an informant of his regarding possible information about the location of a suspect (for whom an active felony warrant existed) wanted in a Carlsbad homicide case. Officer Flores told Sgt. Williams that the information had become known to him approximately one month prior. Based upon the above conversation, Sgt. Williams informed Lt. Magro and I that he was concerned about the lack of timeliness in the sharing of information pertinent to a homicide investigation. I then arranged to have Officer Flores meet with Sgt. Williams, Lt. Magro and I to attempt to resolve the issue.

On the afternoon of April 27, Officer Flores, Sgt. Williams, Lt. Magro and I met in Lt. Magro's office. During the meeting, Officer Flores characterized his oversight in not sharing the information in a more timely manner as a "brain fart". Officer Flores reiterated that he had had a conversation with his C.I. about the possible location of the wanted suspect approximately one month prior. I asked Officer Flores if he had documented the information in a C.I. contact report. He responded, "Yes, I am sure I did". I then asked him to obtain a copy of the contact report. He responded he could not share the C.I. report outside of GTF. I told him he could provide a redacted copy of the report which would not disclose the identity of the informant or other sensitive information, but would provide enough detail to allow the furtherance of a COV homicide investigation. Officer Flores was specifically told that it was hoped that the information he provided could be used in an affidavit for a search warrant of phone records. Officer Flores told me (us) he would write a report after reviewing his initial C.I. contact report. He stated he would be busy in court the following week but would provide it by Thursday, May 03, 2012.

On the evening of Monday, April 30, at approximately 2117 hours, Officer Flores called me on my cell phone. He told me that neither of the two GTF Sergeants (Kearny or Miedecke) had been available to allow him access to the C.I. file. I told him it was important to provide the report the following day. He told me he would do his best to provide it as soon as possible. On Tuesday, May 1, Officer Flores called me in the late afternoon/early evening. He told me that he had written the report "from his recollection" as he had still not been able to gain access to the original file. He told me he was concerned about the "100% accuracy" of the report since it was only based upon his recollection. He additionally told me he would attempt to have Sgt. Kearny meet him at GTF that night if he was available to do so. At 1849 hours I received a text message from Officer Flores on my cell phone: "Made contact. They will have it 1st thing in the morning". I took this as meaning he had made contact with Sgt. Kearny and COV ("they") would receive the requested information the following morning (Wednesday, May 2).

On Wednesday, May 2, at 0723 hours, I received an e-mail from Officer Flores. The e-mail was sent to Sgt. Williams, Detective Hargett and I. Lt. Magro was also cc'd. The e-mail subject line was "CI Report 11-1853" and there was an attachment with the same name. The non-attached narrative of the e-mail stated:

To All,

Here is the report. All I ask is that if you use this in your affidavit please seal this portion. The CI and other information provided by the CI has been used in recent affidavits to begin the wire tap for our upcoming case. Compromising the CI will compromise our wire tap. Thanks for understanding. As for the CDR's of Angel Martinez's phone I'm still working on that.

Jesse

I reviewed his written report attached to the e-mail and had questions about its contents and vagueness. I decided to make contact with Sgt. Kearny at GTF to attempt to review the original CI contact documentation. At approximately 1530 hours I met with Sgt. Kearny and Sgt. Miedecke. During our conversation I learned that there was no CI file and that the "CI" was not a "CI". I was told specifically by Sgt. Miedecke that Officer Flores had requested to sign up the CI 2-3 months ago but that he was not approved as he was deemed ineligible due to having been deported to Mexico and still living in Mexico rather than the United States. Sgt. Miedecke also told me that Officer Flores had attempted to convince Sgt. Miedecke to allow Officer Flores to sign up the CI this very morning- Wednesday, May 2, 2012. Sgt. Miedecke had again told Officer Flores that the individual remained ineligible as he was still living in Mexico.

Based upon Officer Flores' statements to Sgt. Williams, Lt. Magro and I about having documented an informant contact when in fact the subject was not a GTF informant and no such documentation had occurred, I believe Officer Flores has violated department policy and expectations regarding truthfulness.



CITY OF
CARLSBAD
Police Department

Confidential Memorandum

May 3, 2012

TO: Jesse Flores, Officer

FROM: Jason Jackowski, Sergeant
Professional Standards and Services Division Supervisor

RE: **NOTICE OF PAID ADMINISTRATIVE LEAVE AND RELATED ORDERS; IA 12-17**

The purpose of this CONFIDENTIAL MEMORANDUM is to provide you with notice that effective immediately upon its service; your work status is converted to that of paid administrative leave. Said status shall remain in full force and effect until modified in writing. Your placement in a paid administrative leave capacity is in relation to the matters being investigated by the Department in Internal Affairs Investigation 12-17.

On behalf of the Chief of Police, until otherwise advised in writing, THE FOLLOWING ORDERS SHALL GOVERN YOUR PAID ADMINISTRATIVE LEAVE STATUS:

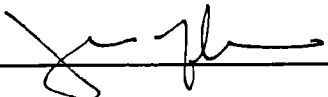
1. You are relieved of any and all peace officer powers and duties;
2. You are prohibited from performing any peace officer functions on behalf of the City of Carlsbad;
3. You are not authorized to carry a concealed weapon;
4. You are required to immediately relinquish your badges, identification/access cards, Department weapons, Department radio, Department cell phone, Department computer and any and all keys to City facilities;
5. You are prohibited from entering any part of any City facility which is not open to the general public;
6. You are required to initiate telephone contact with me, daily (Monday through Friday) unless otherwise directed by Lt. Mendes or myself;
7. You are prohibited from discussing any aspect of Internal Affairs Investigation 12-17 with any employees of the City of Carlsbad (subject to a singular exception applicable to any one individual that may have been designated by you as an uninvolved representative in these proceedings). Inasmuch as you have relatives

NOTICE OF PAID ADMINISTRATIVE LEAVE AND RELATED ORDERS; IA 12-17

and/or a social relationship employed by the City, it is imperative that you understand that this particular order specifically prohibits your discussion of any aspect of this investigation with any such individual.

FAILURE TO COMPLY FULLY WITH THE PROVISIONS OF THIS NOTICE SHALL BE DEEMED AN ACT OF INSUBORDINATION, AND MAY RESULT IN DISCIPLINARY ACTION, UP TO AND INCLUDING DISMISSAL.

Received and acknowledged by (print name): JESSE FLORES

Signature: 

Date: 5-3-12

Time: 1330

Chris Boyd

From: Jesse Flores
Sent: Wednesday, May 02, 2012 7:23 AM
To: Chris Boyd; Mickey Williams; Bryan Hargett
Cc: Matt Magro
Subject: CI Report 11-1853
Attachments: CI Contact Report 11-1853.pdf

To All,

Here is the report. All I ask is that if you use this in your affidavit please seal this portion. The CI and other information provided by the CI has been used in recent affidavits to begin the wire tap for our upcoming case. Compromising the CI will compromise our wire tap. Thanks for understanding. As for the CDR's of Angel Martinez's phone I'm still working on that.

Jesse

**NORTH COUNTY REGIONAL GANG TASK FORCE**

Page 1 of 1

FOLLOW-UP INVESTIGATION

CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY)		CASE NUMBER: CB 11-1853	
CI Contact Report		BEAT NUMBER	
LOCATION OF INCIDENT		CITY:	
San Marcos			
DETECTIVE	ARJIS	STATION/DIVISION	DATE OF FOLLOW-UP
J Flores	5355	North Co. Gang Task Force	March 7, 2012
PRIMARY VICTIM'S NAME		PRIMARY SUSPECT'S NAME	SUSPECT'S DOB / AGE RANGE
		Pedro Avalos aka Petey	1989

Narrative:

On or about March 7, 2012, I made telephone contact with a Confidential Source (CS). During that conversation the CS informed me he/she had overheard a telephone conversation between Angel Martinez aka Claro a documented Carlsbad gang member and another person who the CS believed to be Pedro Avalos. The CS could not hear the details of their conversation and did not want to appear as if he/she was listening either. CS stated this conversation occurred during a gathering with other Carlsbad gang members. Martinez was not trying to hide the fact he was talking to Avalos. CS stated Martinez used a Nextel type phone with a push to talk feature to communicate with Avalos. CS stated they did not talk to Avalos but heard Martinez talking about Ensenada, Mexico. During that gathering, the CS later learned Avalos was in living in Ensenada Mexico with his father, who was also believed to be running from law enforcement. The CS gave me telephone number [REDACTED], stating that telephone number belonged to Angel Martinez. It is not clear if this was the telephone used to communicate with Avalos.

REPORTING DETECTIVE	ID #	DIVISION	DATE OF FOLLOW-UP	REVIEWED BY	DATE REVIEWED
J Flores	CB5355	NC Gang Task Force	March 8, 2012	K. [Signature]	5/1/2012

CARLSBAD POLICE DEPARTMENT

Confidential Personnel Report (§832.7 PC)

INTERNAL Investigation

Name (Last, First): SISCO, TARYN

IA #: 13-1A-07

Cross filed to: N/A

Date received: 3-20-13

Date filed: 6-24-13

Purge date: 6-24-15

CHECKLIST

DATE	INITIALS	NA	
3-20-13	MW		Supervisor's Complaint Summary
4-18-13	MW		Employee Noticed and Acknowledged
5-10-13	MW		Associated Reports / CAD log attached
5-10-13	MW		Witness list attached
5-10-13	MW		IA Investigative narrative complete
5-13-13	mm		Forwarded for supervisory review
5-20-13	mm		Supervisory review completed and findings attached
			Disposition letter attached
6-24-13	MW		Notice of Intent to discipline attached
		X	Employee statement attached
6-24-13	MW		Skelly copies made and distributed to employee and Skelly officer
9-16-13	MW		Imposed discipline documentation / verification attached
			Audio / Video recordings / reports burned to disc and attached
			Other evidence attached (specify):
9-16-13	MW		Chief advised of final disposition

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CARLSBAD POLICE DEPARTMENT INTERNAL AFFAIRS INVESTIGATION #13-IA-07

TABLE OF CONTENTS

1. Chronology
2. Supervisor's Complaint Summary
3. Investigation narrative
4. Witness list
5. Off. Sisco's report documenting case 13-01544
6. Off. Sisco's DMV 367- Officer's Statement
7. Off. Sisco's Probable Cause Declaration for the arrest of Herbert Kulick
8. CPD CAD report for case 13-01544
9. CPD CAD report for Off. Sisco's unit (48-Paul) history for 3-14-13
10. SDSO inquiry on Off. Sisco's use of ESUN, SD LAW, and County Locals to inquire on [REDACTED] and the suspect vehicle license plate, CA # [REDACTED], between 3-1-13 and 3-20-13.
11. SDSO inquiry on Off. Sisco's use of ESUN, SD LAW, and County Locals to inquire on [REDACTED] and the suspect vehicle license plate, CA # [REDACTED], between 3-1-13 and 3-20-13.
12. SDSO inquiry on Sgt. Williams' use of ESUN, SD LAW, and County Locals to inquire on [REDACTED] on 4-22-13.
13. SDSO inquiry on all Carlsbad PD employees' use of ESUN, SD LAW, and County Locals to inquire on [REDACTED] and the suspect vehicle license plate, CA # [REDACTED], on 3-14-13.
14. SDSO inquiry on all Carlsbad PD employees' use of County Locals to inquire on [REDACTED] between 6-1-12 and 3-14-13.
15. Daily Patrol schedules for E2 on 3-14-13, and D2 and E2 on 3-16-13

CONFIDENTIAL

- 1 16. DMV registration printout for the suspect vehicle license plate, CA # [REDACTED]
- 2
- 3 17. Transcript of Sgt. Beronda's interview on 4-18-13
- 4
- 5 18. Transcript of Lt. May's interview on 4-18-13
- 6
- 7 19. Transcript of Off. Sisco's interview on 4-23-13
- 8
- 9 20. Transcript of Sgt. Thomas' interview on 4-26-13
- 10
- 11 21. Transcript of Sgt. Chase's interview on 5-1-13
- 12
- 13 22. Transcript of Off. Thompson's interview on 5-9-13
- 14
- 15 23. Transcript of Off. Torres' interview on 5-9-13
- 16
- 17 24. Transcript of Off. Richards' interview on 5-9-13
- 18
- 19 25. Court minutes for [REDACTED]'s case, [REDACTED], showing her being placed on fourth waiver
- 20 probation.
- 21
- 22 26. Copies of information available from EJIMS for [REDACTED]
- 23
- 24 27. Off. Richards' arrest report of [REDACTED] on 10-27-11, case [REDACTED]
- 25
- 26 28. Officer Notices and Admonishments

1

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CARLSBAD POLICE DEPARTMENT INTERNAL AFFAIRS INVESTIGATION #13-IA-07

CHRONOLOGY

3/14/13 at 2103 hours Off. Sisco conducted a traffic stop that led to the arrest of a suspect for DUI and narcotics related offenses. Off. Sisco documented the incident with an arrest report; Carlsbad Police case 13-01544.

3/14/13 Sgt. Beronda spoke with Off. Sisco after the arrest, at the Carlsbad Police Station, and received several explanations regarding the probable cause for the initial traffic stop.

3/20/13 Sgt. Beronda reviewed Off. Sisco's report regarding this arrest and the CAD printout detailing this incident and had suspicions regarding Off. Sisco's accuracy and truthfulness in her discussion with him following the arrest, and while writing her police report.

3/20/13 Sgt. Beronda prepared a Supervisor's Complaint Summary report detailing his suspicions regarding Off. Sisco's conduct.

4/16/13 I was assigned to investigate this complaint.

4/18/13 Sgt. Beronda was interviewed regarding this investigation.

4/18/13 Lt. May was interviewed regarding this investigation.

4/23/13 Off. Sisco was interviewed regarding this investigation. Following the interview, Off. Sisco was placed on paid administrative leave.

4/26/13 Sgt. Thomas was interviewed regarding this investigation.

5/1/13 Sgt. Chase was interviewed regarding this investigation.

5/9/13 Off. Thompson was interviewed regarding this investigation.

5/9/13 Off. Torres was interviewed regarding this investigation.

5/9/13 Off. Richards was interviewed regarding this investigation.

1 5/10/13 The completed investigation was forwarded to Lt. Mendes.
2
3

2

CARLSBAD POLICE DEPARTMENT
2560 ORION WAY, CARLSBAD, CA 92010

SUPERVISOR'S COMPLAINT SUMMARY

TO BE COMPLETED BY LIEUTENANT OR SERGEANT

COMPLAINANT'S NAME			DATE OF BIRTH		HOME PHONE	
Sgt. Richard Beronda #5265						
COMPLAINANT'S ADDRESS		CITY	STATE	ZIP	BUSINESS PHONE	
Carlsbad Police Department		Carlsbad	CA	92010	760-931-2136	
LOCATION OF INCIDENT		CITY	ZIP	DATE AND TIME OF INCIDENT		
7662 El Camino Real		Carlsbad	90009	03-14-13/2103 hours		
NAME(S) OF POLICE PERSONNEL INVOLVED						
Off. Taryn Sisco #5426						
BRIEF NARRATIVE OF COMPLAINT						
See attached.						
CONTINUE ON ADDITIONAL SHEETS IF NECESSARY						
EMPLOYEE RECEIVING COMPLAINT: <u>Sgt. Beronda</u>						
TIME & DATE: <u>03-20-13/2200 hours</u>						
<input checked="" type="checkbox"/> IN PERSON <input type="checkbox"/> U.S.MAIL <input type="checkbox"/> MESSENGER/CERTIFIED MAIL <input type="checkbox"/> OTHER: _____						
PROFESSIONAL STANDARDS USE ONLY						
REVIEWED BY: _____ DATE: _____ I.A. CASE # <u>13-1A-07</u>						
NATURE: <input type="checkbox"/> Use of Force <input checked="" type="checkbox"/> Honesty, <input type="checkbox"/> Race/Bias, <input type="checkbox"/> Civil Rights, <input type="checkbox"/> Other:						
ASSIGNED FOR INVESTIGATION						
<input checked="" type="checkbox"/> Yes, assigned to: <u>SGT. WILLIAMS</u>						
<input type="checkbox"/> No, complaint RESOLVED per Department Policy.						
Officer's acknowledgement: _____ Date: _____						
Division Commander: _____ Date: _____						

3-20-13

On 3-14-13, I had a conversation with Off. Sisco in the evidence packaging room about an arrest she had made at 7662 El Camino Real in Carlsbad (Case 13-01544). Off. Sisco told me that she observed the suspect vehicle drive through the parking lot of the location from the Circle K to Flippin Pizza and observed a couple of equipment violations on the vehicle. I told her that the vehicle code violations that she observed did not apply due to the vehicle being driven on private property. Off. Sisco told me that the passenger was on 4th waiver. I asked her when she knew that information. Off. Sisco told me that she ran the vehicle plate, ran the R/O on E-Jims, confirmed that the passenger was the R/O and was on probation with a 4th waiver. She told me that she did not stop the vehicle but that it parked and she stopped behind it to conduct a 4th waiver compliance check.

The report was completed after my shift ended and was reviewed by Sgt. Thomas who worked the next day shift.

On 3-16-13, Lt. May, Sgt. Chase and I were in the Watch Commander's office where Sgt. Chase discussed a case that she had a conversation with Off. Sisco about a shoplifting arrest. Sgt. Chase explained that the conversation with Off. Sisco made her feel as if Off. Sisco may have fabricated information in order to meet the elements of the crime. This conversation made me recall Case 13-01544 and made me suspicious.

On 3-20-13, I reviewed Case 13-01544 and Off. Sisco's unit history for the day. The unit history showed that she ran the plate of the car from the arrest at 2101 hours. The history also showed that she made a traffic stop at 2103 hours. Based upon the statement that she made to me on 3-14-13, she would have had to do all of the computer work she claimed in less than two minutes which is unlikely.

I fear that Off. Sisco may have distorted that facts in this case in violation of CBPD Policy 3.44.1.1 and feel that it should be investigated to clarify.

Sgt. Richard Beronda #5265

3

CONFIDENTIAL

CARLSBAD POLICE DEPARTMENT INTERNAL AFFAIRS INVESTIGATION #13-IA-07

Date Opened: 3-20-13
Date of Incident: 3-14-13
IA Case #: 13-IA-07
Related Case: None
Complainant: Sergeant Richard Beronda #5265
Investigator(s): Sergeant Mickey Williams #5221
Personnel Involved: Officer Taryn Sisco #5426

INTRODUCTION

On 3-20-13, Sgt. Beronda submitted a Supervisor's Complaint Summary detailing an incident that occurred on 3-14-13; Carlsbad Police case 13-01544. Sgt. Beronda stated that he had suspicions regarding the accuracy and truthfulness of comments made by Off. Sisco to Sgt. Beronda on 3-14-13 in addition to the accuracy and truthfulness of a portion of Off. Sisco's arrest report.

On 4-16-13, I was assigned to conduct this investigation.

METHODOLOGY

Interviews of the involved personnel and listed witnesses were conducted in person in my office and were digitally recorded. The recordings were saved to computer and transferred to disc.

The following items were collected and reviewed as part of this investigation:

- Item 1: Supervisor's Complaint Summary prepared by Sgt. Beronda
- Item 2: Carlsbad Police arrest report 13-01544 prepared by Off. Sisco
- Item 3: DMV form 367, Officer's Statement prepared and signed by Off. Sisco
- Item 4: Carlsbad Police Dispatch CAD report for this incident (Carlsbad Police Incident number CB130018061; case number 13-01544)
- Item 5: Carlsbad Police Dispatch CAD report detailing Off. Sisco's unit history for 3-14-13

1 Item 6: ESUN, County Locals, and SDLAW computer inquiry search for Off. Sisco related to
2 [REDACTED] and vehicle license plate number [REDACTED] between 3-1-13 and 3-20-
3 13, received from Jessica O'Leary at the San Diego County Sheriff's Department
4

5 Item 7: ESUN, County Locals, and SDLAW computer inquiry search for Off. Sisco related to [REDACTED]
6 [REDACTED] and vehicle license plate number [REDACTED], between 3-1-13 and 3-20-13,
7 received from Jessica O'Leary at the San Diego County Sheriff's Department
8

9 Item 8: ESUN, County Locals, and SD LAW computer inquiry search for the entire Carlsbad
10 Police Department related to [REDACTED] and vehicle license plate number [REDACTED]
11 on 3-14-13, received from Chris Saulpaugh at the San Diego County Sheriff's
12 Department
13

14 Item 9: ESUN, County Locals, and SD LAW computer inquiry search for me (Sgt. Williams)
15 related to [REDACTED] on 4-22-13, received from Chris Saulpaugh at the San Diego
16 County Sheriff's Department
17

18 Item 10: County Locals computer inquiry search for the entire Carlsbad Police Department
19 related to [REDACTED] between 6-1-12 and 3-14-13, received from Jessica O'Leary at
20 the San Diego County Sheriff's Department
21

22 BACKGROUND

23
24 On 3-14-13, Off. Sisco was assigned as a uniformed police officer scheduled to work 1700 to
25 0500 hours. Off. Sisco was assigned as a solo officer unit; her call sign was 48-Paul. Sgt.
26 Beronda was assigned as Off. Sisco's patrol sergeant and worked scheduled hours of 1600 to
27 0400 hours. Lt. May was assigned as the uniformed watch commander for a portion of the
28 shift.
29

30 On 3-20-13, Sgt. Beronda submitted a Supervisor's Complaint Summary regarding a traffic stop
31 that led to an arrest by Off. Sisco, on 3-14-13. Sgt. Beronda's Supervisor Complaint Summary
32 contains essentially the following information.
33

34 On 3-14-13, following the arrest, during the course of Sgt. Beronda's duties as a
35 supervisor, he spoke with Off. Sisco regarding the arrest. Off. Sisco initially told Sgt.
36 Beronda that she stopped the suspect vehicle for equipment violations while driving
37 through a parking lot. Sgt. Beronda advised Off. Sisco that vehicle code equipment
38 violations did not apply in an off-highway parking lot. Off. Sisco then told Sgt. Beronda
39 that she stopped the vehicle to conduct a fourth-waiver probation check on the
40 registered owner of the vehicle, who was riding as a passenger in the vehicle. Sgt.
41 Beronda asked Off. Sisco when she learned of the suspect's probationary status. Off.
42 Sisco told Sgt. Beronda that prior to conducting the traffic stop, she conducted an
43 inquiry on the suspect vehicle license plate, ran the registered owner of the vehicle ([REDACTED])

1 [REDACTED] in EJIMS, confirmed that the passenger in the vehicle was the registered owner,
2 and confirmed that the registered owner was on fourth waiver probation status.

3
4 Off. Sisco later prepared a written arrest report documenting the incident. The report
5 was approved by Sgt. Thomas who worked the next shift.

6
7 On 3-20-13, Sgt. Beronda reviewed Off. Sisco's approved report documenting this
8 incident and noted that less than two minutes had transpired between the time that
9 Off. Sisco ran the suspect vehicle license plate and the time of the traffic stop. Sgt.
10 Beronda was suspicious regarding Off. Sisco's ability to perform all of the inquiries that
11 she had told Sgt. Beronda she had, regarding the vehicle and registered owner in less
12 than two minutes.

13
14 See Sgt. Beronda's attached written Supervisor's Complaint Summary attached to this
15 investigation.

16
17 I obtained a copy of Off. Sisco's prepared eight page report documenting this incident (Carlsbad
18 Police case 13-01544). I obtained a printed copy of the DMV form 367, copies of the Carlsbad
19 Police Department CAD report documenting this incident, and the Carlsbad Police CAD report
20 documenting Off. Sisco's unit history for 3-14-13.

21
22 A review of Off. Sisco's report revealed the following information.

23
24 *"On 03-14-13, at approximately 2103 hours, I conducted a traffic stop on California*
25 *license plate [REDACTED] due to the registered owner of the vehicle, [REDACTED] being*
26 *affirmative 4th waiver."* (Page 5 of 8; lines 2-3)

27
28 And

29
30 *"On 03-14-13, at approximately 2103 hours, I observed a male, later identified as*
31 *[REDACTED] get in the driver seat of the above vehicle. I then observed a female, later*
32 *identified as [REDACTED] get in the front passenger seat of the vehicle. The California*
33 *license plate [REDACTED] was registered to [REDACTED]. ejims revealed [REDACTED] was*
34 *affirmative 4th waiver. I located a picture of [REDACTED] on ejims. I recognized the*
35 *passenger of the vehicle/registered owner of the vehicle, to be [REDACTED] due to the*
36 *picture located on ejims. I observed Kulick drive the vehicle from the Circle K across the*
37 *parking lot to Flippin' Pizza. Kulick parked the vehicle. I then conducted a traffic stop to*
38 *conduct a 4th waiver compliance check for [REDACTED]"* (Page 5 of 8; lines 7-14)

39
40 And

41
42 *"I contacted [REDACTED] at the driver side window of the vehicle. [REDACTED] was sitting in the*
43 *passenger seat of the vehicle. I told [REDACTED] and [REDACTED] I stopped the vehicle to do a 4th*

1 waiver compliance check for [REDACTED] [REDACTED] stated she was on probation and had an
2 affirmative 4th wavier status." (Page 5 of 8; lines 34-36)

3
4 I reviewed the DMV DS 367 form that was signed by Off. Sisco on 3-14-13. Off. Sisco indicated
5 on the form that she personally served a copy of the Order of Suspension to the driver. Above
6 where Off. Sisco signed the form near the bottom of page one, the form states, "I certify under
7 penalty of perjury, under the laws of the State of California, that the information contained on
8 all pages of this Officer's Statement is true and correct". Off. Sisco's signature is located on the
9 form. On page two of the form, Off. Sisco wrote the probable cause for the traffic stop. The
10 form states on page two, "Describe in detail the facts and circumstances that led to the stop or
11 contact." Off. Sisco handwrote the following information.

12
13 *"On 03-14-13 at about 2103 hours I stopped California license plate [REDACTED]. The*
14 *vehicle did not have a center brake light that worked. I also ran the license plate and the*
15 *registered owner of the vehicle was [REDACTED]. I saw [REDACTED] get into the passenger*
16 *side of the vehicle. SDLAW provided me information that [REDACTED] was affirmative 4th*
17 *waiver. The description of [REDACTED] in the front passenger seat matched the picture in*
18 *SDLAW."*

19
20 A review of the two page Carlsbad Police Dispatch CAD report for this incident (Carlsbad Police
21 Incident number CB130018061; case number 13-01544) revealed the following information.

- 22
23 • At 21:03:14, Off. Sisco initiated a traffic stop on license plate [REDACTED]
24 • At 21:06:41, Off. Sisco conducted an inquiry on [REDACTED] and [REDACTED]'s
25 driver's licenses.
26 • At 21:07:40, Off. Torres arrived on scene to cover Off. Sisco.
27 • At 21:08:47, Off. Thompson arrived on scene to cover Off. Sisco.
28 • At 21:19:31, Off. Sisco advised she had made an arrest.
29 • At 22:04:50, Off. Sisco transported [REDACTED] to the Carlsbad Police Station.
30 • At 22:11:41, Off. Sisco arrived at the Carlsbad Police Station.
31 • At 23:09:50, Off. Sisco transported [REDACTED] to the Vista Detention Facility.
32 • At 23:19:08, Off. Sisco arrived at the Vista Detention Facility.

33
34 A review of the three page Carlsbad Police Dispatch CAD report detailing Off. Sisco's unit history
35 for 3-14-13 revealed the following information. There was no indication that Off. Sisco had
36 conducted any inquiries on [REDACTED] or [REDACTED] prior to the traffic stop.

- 37
38 • At 21:01:36, Off. Sisco conducted an inquiry on license plate [REDACTED]
39 • At 21:03:14, Off. Sisco conducted a traffic stop on license plate [REDACTED]
40
41
42
43

SUMMARY OF ALLEGATIONS – OFFICER TARYN SISCO

Sgt. Beronda alleges that Off. Sisco possibly provided false information to Sgt. Beronda, and authored either a false or inaccurate police report related to Carlsbad Police incident number CB130018061; case number 13-01544, that occurred on March 14th, 2013. If true, this is a possible violation of the following Carlsbad Police Department Policies:

Allegation 1**Policy 340.3.5 (i) - PERFORMANCE**

(i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

Allegation 2**Policy 340.3.5 (o) - PERFORMANCE**

(o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.

Allegation 3**Policy 340.3.5 (p) - PERFORMANCE**

(p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.

Allegation 4**Policy 340.3.5 (aa) - PERFORMANCE**

(aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.

Allegation 5**Policy 340.3.5 (ad) - PERFORMANCE**

(ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

Allegation 6**Policy 340.3.5 (m) - PERFORMANCE**

(m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

To wit:

344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

INVESTIGATION

On 4-16-13, Sgt. Jackowski received the results of a San Diego Sheriff's Department (SDSO) inquiry into the use of the ESUN, County Locals, and SD LAW computer databases by Off. Sisco (ARJIS # 5426) between 3-1-13 and 3-20-13, to inquire on [REDACTED] and the license plate number of the suspect vehicle, CA # [REDACTED]. These results were received from Jessica O'Leary at the SDSO Communications Center. The results showed that Off. Sisco had not conducted any County Locals inquiries on [REDACTED] during this time period. The results showed the following information:

- On 3-14-13 at 21:01:37 hours, Off. Sisco conducted an inquiry on the suspect vehicle license plate.
- On 3-15-13 at 02:33:20 hours, Off. Sisco conducted an inquiry on the suspect vehicle license plate.
- On 3-15-13 at 04:14:48 hours, Off. Sisco conducted an EJIMS inquiry on [REDACTED]
- On 3-15-13 at 17:33:37 hours, Off. Sisco conducted an EJIMS inquiry on [REDACTED]

On 4-17-13, I received the results of a SDSO inquiry into the use of the ESUN, County Locals, and SD LAW computer databases by Off. Sisco (ARJIS # 5426) between 3-1-13 and 3-20-13, to inquire on [REDACTED] and the license plate number of the suspect vehicle, CA # [REDACTED]. These results were received from Jessica O'Leary at the SDSO Communications Center. The

1 results showed that Off. Sisco had not conducted any County Locals inquiries on [REDACTED]
2 during this time period. The results showed the following information:

- 3 • On 3-14-13 at 21:01:37 hours, Off. Sisco conducted an inquiry on the suspect vehicle
4 license plate.
- 5 • On 3-14-13 at 21:02:03 hours, Off. Sisco conducted an EJIMS inquiry on [REDACTED]
- 6 • On 3-15-13 at 02:33:20 hours, Off. Sisco conducted an inquiry on the suspect vehicle
7 license plate.

8
9 **INTERVIEW OF SGT. BERONDA**

10
11 On 4-18-13, at approximately 1629 hours, Sgt. Jackowski and I interviewed Sgt. Beronda. The
12 interview was conducted in my office at the Carlsbad Police Station. Sgt. Beronda was not
13 accompanied by a representative. Sgt. Beronda was ordered to provide full and complete
14 answers to all of our questions under the penalty of insubordination and the resulting
15 punishment. Sgt. Beronda stated he understood this order. I audio recorded the interview.
16 The interview was concluded at approximately 1713 hours. This interview was transcribed and
17 a copy of the transcription is included in this investigation. Sgt. Beronda provided us with the
18 following information.

19
20 On 3-14-13, Sgt. Beronda was a patrol sergeant assigned to the E2 patrol shift. Sgt.
21 Beronda was scheduled to work from 1600 to 0400 hours. Off. Sisco was assigned to his
22 shift and she worked 1700 to 0500 hours.

23
24 Sgt. Beronda stated that effective the first week of March 2013, his shift began making it
25 a requirement for officers to have the probable cause declarations approved by a
26 supervisor prior to booking suspects into jail.

27
28 On 3-14-13, Sgt. Beronda was aware that Off. Sisco had made a narcotics related arrest
29 following a traffic stop near the Flippin' Pizza located in a shopping center in the 7600
30 block of El Camino Real. After the arrest, Sgt. Beronda made contact with Off. Sisco in
31 the evidence packaging room. Sgt. Beronda spoke with Off. Sisco regarding the
32 circumstances of the arrest. Sgt. Beronda did not have any suspicions of wrong doing on
33 the part of Off. Sisco. Off. Sisco told Sgt. Beronda what led her to making the traffic stop
34 on the suspect vehicle. Off. Sisco told Sgt. Beronda that she had initially seen the
35 suspect vehicle parked near the Circle K store (located in the same shopping center as
36 Flippin' Pizza). Off. Sisco saw a female later identified as the registered owner get into
37 the vehicle as a passenger. Off. Sisco recognized the female as the owner ([REDACTED])
38 from the photograph that she had looked at on her computer, and she knew that the
39 owner was on fourth waiver probation status. I asked Sgt. Beronda if Off. Sisco told him
40 where she learned [REDACTED] was on fourth waiver probation. Sgt. Beronda said that
41 Off. Sisco referred to some of the computer databases on the car computer but he could
42 not specifically remember which one. Off. Sisco relayed to Sgt. Beronda that all of these
43 computer inquiries occurred between the time she saw the vehicle parked at Circle K
44 and the time of the stop near Flippin' Pizza.

1
2 Off. Sisco saw the vehicle drive through the parking lot to the Flippin' Pizza, never
3 entering a public highway, remaining in the private parking lot the entire time. Off.
4 Sisco told Sgt. Beronda that she saw two or three minor vehicle code violations. Sgt.
5 Beronda could not remember the exact vehicle code violations that Off. Sisco
6 mentioned but he believed one was related to a taillight not functioning properly and
7 possibly a violation related the vehicle's registration status. Sgt. Beronda told Off. Sisco
8 that the vehicle code violations did not apply in a private parking lot. Off. Sisco then
9 told Sgt. Beronda that the driver was unlicensed. Sgt. Beronda told Off. Sisco that the
10 driver's license offense also did not apply on private property. Off. Sisco then told Sgt.
11 Beronda that the passenger was on fourth waiver probation. Sgt. Beronda asked Off.
12 Sisco when she learned that information. Off. Sisco told Sgt. Beronda that she knew the
13 passenger was on fourth waiver probation prior to making the traffic stop. Off. Sisco
14 explained that prior to the traffic stop she ran the vehicle's license plate, then looked up
15 the registered owner's picture ([REDACTED]), all on her patrol vehicle computer. Off.
16 Sisco then verified that the female passenger that Off. Sisco saw get into the vehicle was
17 the registered owner by using the photograph Off. Sisco had found in her computer, of
18 the registered owner. After she confirmed that the passenger was the registered owner
19 who was fourth waiver status, she stopped the vehicle by Flippin' Pizza. Sgt. Beronda
20 was not sure if he had approved Off. Sisco's probable cause declaration associated with
21 this arrest.

22
23 Off. Sisco then described how the traffic stop was made. Sgt. Beronda said that Off.
24 Sisco said that the suspect vehicle pulled into a parking spot and she either parked
25 behind or near the suspect vehicle, and then walked to the vehicle.

26
27 At some time during this conversation Lt. May walked into the evidence packaging
28 room.

29
30 Sgt. Beronda told Off. Sisco that it sounded like she had proper probable cause to make
31 the traffic stop but he instructed her to write her report with the important facts. Sgt.
32 Beronda told Off. Sisco that the vehicle code violations that she noted were not
33 necessarily important because they did not apply. Sgt. Beronda felt that he used this
34 opportunity to teach Off. Sisco. After this discussion with Off. Sisco, Sgt. Beronda felt
35 that Off. Sisco had the proper probable cause to make this detention due to the fact
36 that Off. Sisco knew of Rae Hebert's fourth waiver probation status prior to making the
37 traffic stop.

38
39 Sgt. Beronda did not see Off. Sisco's report that shift. The report was approved by Sgt.
40 Thomas. Sgt. Beronda said that he later reviewed Off. Sisco's report. I asked Sgt.
41 Beronda why he reviewed Off. Sisco's report.

42
43 Sgt. Beronda stated that on about 3-16-13, he, Lt. May, and Sgt. Chase had a meeting in
44 the watch commander's office. During that meeting, Sgt. Chase mentioned an incident

1 where Off. Sisco arrested two juveniles at the mall (Carlsbad Police case 13-01100). Sgt.
2 Chase described her conversation with Off. Sisco regarding these arrests. Sgt. Chase
3 questioned Off. Sisco about the presence of the elements for the arrest. Off. Sisco then
4 suddenly remembered that the elements to support the arrest existed but that she
5 would check her notes to make sure. The additional information to support the
6 elements of the arrest was associated with the statements made by the suspects. Sgt.
7 Chase told Sgt. Beronda that she felt that Off. Sisco might have been making up this
8 additional information. At that time, Sgt. Beronda reflected back on his conversation
9 with Off. Sisco regarding the arrest of the narcotics suspect during the traffic stop near
10 Flippin' Pizza. Sgt. Beronda recognized that during his previous conversation with Off.
11 Sisco, the probable cause for the stop changed from traffic violations to a fourth waiver
12 compliance check.

13
14 Sgt. Beronda then reviewed a copy of Off. Sisco's arrest report and the CAD printout for
15 Off. Sisco's unit history on 3-14-13. Sgt. Beronda noted on Off. Sisco's CAD unit history
16 there was less than two minutes that elapsed from the time that Off. Sisco ran the
17 suspect vehicle's license plate to the time that Off. Sisco broadcasted the traffic stop at
18 Flippin' Pizza. Sgt. Beronda felt this was suspicious based on his training and experience,
19 for an officer to conduct the computer inquiries that Off. Sisco had described while
20 confirming [REDACTED]'s fourth waiver probation status, it would likely take longer than
21 two minutes.

22
23 Sgt. Beronda explained that based on his conversation with Sgt. Chase following this
24 incident, Sgt. Beronda's review of Off. Sisco's CAD unit history and noting that less than
25 two minutes elapsed from the time of the vehicle plate inquiry and the traffic stop, and
26 how Off. Sisco's probable cause continued to change when challenged by Sgt. Beronda,
27 he felt that Off. Sisco's conduct should be further investigated. As a result, on 3-20-13,
28 Sgt. Beronda prepared the Supervisor's Complaint Summary Form and forwarded it to
29 Lt. Mendes.

30
31 I asked if Sgt. Beronda knew if either Lt. May or Sgt. Chase had discussed this incident
32 with Off. Sisco. Sgt. Beronda did not believe that either of them had spoken to Off. Sisco
33 about this arrest.

34
35 I asked Sgt. Beronda if he had spoken with Off. Sisco at any time following his
36 conversation with her in the evidence packaging room on 3-14-13, regarding this
37 incident. Sgt. Beronda said, no.

38
39 Sgt. Jackowski asked Sgt. Beronda if an officer can access fourth waiver probation
40 information through EJIMS. Sgt. Beronda explained that an officer would have to go
41 through the county mainframe computer to obtain probation information. However,
42 Sgt. Beronda noted that EJIMS has hyperlinks that an officer can click on, that would
43 take them to a sign in page for the county mainframe (County Locals) computer. The

1 officer would have to enter their password for the county mainframe computer and
2 then the officer would get information including probation status.

3
4 At the conclusion of the interview, Sgt. Beronda was ordered per a printed Carlsbad Police
5 Interview Admonition for Peace Officers, to not discuss this interview or investigation with
6 anyone except a legal representative. Sgt. Beronda stated that he understood this order.

7
8 **INTERVIEW OF LT. MAY**
9

10 On 4-18-13, at approximately 1805 hours, Sgt. Jackowski and I interviewed Lt. May. The
11 interview was conducted in my office at the Carlsbad Police Station. Lt. May was not
12 accompanied by a representative. Lt. May was ordered to provide full and complete answers to
13 all of our questions under the penalty of insubordination and the resulting punishment. Lt. May
14 stated he understood this order. I audio recorded the interview. The interview was concluded
15 at approximately 1825 hours. This interview was transcribed and a copy of the transcription is
16 included in this investigation. Lt. May provided us with the following information.

17
18 Lt. May is Sgt. Beronda's supervisor and Off. Sisco works under his command. On 3-14-
19 13, Lt. May was preparing to leave work and had already changed into his civilian
20 clothes when he went to advise Sgt. Beronda that he was leaving for the night. Lt. May
21 found Sgt. Beronda in the evidence packaging room with Off. Sisco. Sgt. Beronda and
22 Off. Sisco were discussing the probable cause Off. Sisco had to stop a vehicle that
23 resulted in a drug arrest. It sounded to Lt. May that Sgt. Beronda was trying to explain
24 to Off. Sisco how to fix her report to document the incident.

25
26 Lt. May remembered Sgt. Beronda asking Off. Sisco, "Well, when did you run the
27 driver?" or "the occupant of the car?" Lt. May remembered Off. Sisco saying something
28 about the suspects being near the Circle K and she ran the license plate and then the
29 registered owner of the vehicle to determine if the registered owner was on fourth
30 waiver probation. I asked Lt. May if he remembered Off. Sisco telling Sgt. Beronda that
31 before she made the traffic stop, she ran the vehicle and the registered owner and
32 found out the registered owner was on fourth waiver. Lt. May stated, "I believe that's
33 what she stated that night." Lt. May then explained that either Off. Sisco said that or
34 Sgt. Beronda told Lt. May that when he entered the evidence packaging room.

35
36 I asked Lt. May if he had planned to meet with Sgt. Beronda and Off. Sisco in the
37 evidence packaging room and he said, no. Lt. May said that prior to joining in their
38 conversation, he was not aware of Off. Sisco's arrest earlier in the night. Lt. May
39 estimated that he was present for about 5 or 10 minutes of the conversation between
40 Sgt. Beronda and Off. Sisco.

41
42 Lt. May explained that patrol wide, a new change had been made and supervisors were
43 now expected to check officers' probable cause declarations before booking. Lt. May
44 stated that this new rule went into effect within the last 30 to 45 days. Lt. May knew

1 that he did not check Off. Sisco's probable cause declaration on this case and he did not
2 know if anybody else did.

3
4 Lt. May stated that he had no reason to doubt Off. Sisco's truthfulness to Sgt. Beronda
5 or the accuracy of her police report.

6
7 Lt. May reviewed Off. Sisco's written arrest report during the interview. After reading
8 the report, Lt. May remembered that during the conversation with Sgt. Beronda in the
9 evidence packaging room, Off. Sisco told them that she had recognized [REDACTED] from
10 a photograph.

11
12 At the conclusion of the interview, Lt. May was ordered per a printed Carlsbad Police Interview
13 Admonition for Peace Officers, to not discuss this interview or investigation with anyone except
14 a legal representative. Lt. May stated that he understood this order.

15
16 On 4-18-13, I conducted an EJIMS inquiry on [REDACTED] to determine what information might
17 be viewed during such a search. The EJIMS inquiry revealed the dates, times, locations, and
18 charges of previous arrests for [REDACTED]. There is also information regarding the names,
19 addresses, and telephone numbers of friends or family that have visited [REDACTED] in jail.
20 There is information related to identification numbers associated with [REDACTED], a notation
21 of [REDACTED] and AKA's. There is also an inmate booking log that contains a
22 list of [REDACTED]'s previous bookings in San Diego County. On this log are hyperlinks of court
23 case numbers. There was no information regarding [REDACTED]'s probationary status or fourth
24 waiver status located on the EJIMS page.

25
26 I clicked on the hyperlink of a court case number ([REDACTED]) and was directed to a sign-in page
27 for the San Diego County Locals mainframe. This page required me to enter my San Diego
28 County Locals mainframe password. After entered my password, I was presented with court
29 information associated with the court case number. This information contained court dates,
30 conviction, and probation information including fourth waiver probation status. I printed
31 copies of all information viewable on EJIMS and the results of the hyperlink associated with the
32 court case number.

33
34 On 4-22-13, I conducted an EJIMS inquiry on [REDACTED]. During this inquiry I clicked on the
35 hyperlink for court case number [REDACTED]. I was directed to the County Locals mainframe log-
36 in page and I entered my county password. I then was able to view the court case information
37 associated with this page that showed [REDACTED]'s fourth waiver probation information. I
38 conducted this search so that I could request an inquiry through the SDSO into my search
39 history on 4-22-13, in regards to [REDACTED]. I did this so that I could determine what the
40 response from SDSO's inquiry would be, so that I could compare it to the response that was
41 received as a result of the inquiry into Off. Sisco's search history.

42
43 On 4-23-13, I received the results of a SDSO inquiry into the use of the ESUN, County Locals,
44 and SD LAW computer databases by me (ARJIS # 5221) on 4-22-13, to inquire on [REDACTED].

1 These results were received from Chris Saulpaugh at the SDSO IT Division. The results showed
2 the following information:

- 3 • On 4-22-13 at 07:09:20 hours, I conducted an EJIMS inquiry on [REDACTED].
- 4 • On 4-22-13 at 07:09:35 hours, I initiated a DA10 search on court case [REDACTED]
5 through the County Locals mainframe.

6
7 On 4-23-13, I received the results of a SDSO inquiry into the use of the ESUN, County Locals,
8 and SDLAW computer databases by any employee of the Carlsbad Police Department on 3-14-
9 13, to inquire on [REDACTED] and the suspect vehicle license plate number CA # [REDACTED]

10 These results were received from Chris Saulpaugh at the SDSO IT Division. The results showed
11 that no employee of the City of Carlsbad conducted an inquiry on [REDACTED] other than Off.
12 Sisco's EJIMS inquiry at 21:02:03 hours. The results showed the following information:

- 13 • On 3-14-13 at 21:01:37 hours, Off. Sisco conducted an inquiry on the suspect vehicle
14 license plate.
- 15 • On 3-14-13 at 21:02:03 hours, Off. Sisco conducted an EJIMS inquiry on [REDACTED]
- 16 • On 3-14-13 at 21:03:15 hours, Dispatcher Ridenour conducted an inquiry on the suspect
17 vehicle license plate.
- 18 • On 3-14-13 at 21:08:00 hours, Dispatch Supervisor Thim conducted an inquiry on [REDACTED]
19 [REDACTED]'s driver's license.
- 20 • On 3-14-13 at 21:10:25 hours, Dispatch Supervisor Thim conducted a warrant inquiry on
21 [REDACTED]
- 22 • On 3-14-13 between 21:14:04 and 21:14:12 hours, Dispatch Supervisor Thim conducted
23 County Locals inquiries on [REDACTED]
- 24 • On 3-14-13 between 21:15:33 and 21:15:44 hours, Off. Richards conducted three EJIMS
25 inquiries on [REDACTED]
- 26 • On 3-14-13 between 21:16:46 and 21:16:54 hours, Off. Thompson conducted County
27 Locals inquiries on [REDACTED]
- 28 • On 3-14-13 at 21:17:38 hours, Off. Thompson conducted an EJIMS inquiry on [REDACTED]
29 [REDACTED]
- 30 • On 3-14-13 between 21:29:30 and 21:29:33, Dispatch Supervisor Thim conducted
31 County Locals inquiries on [REDACTED]
- 32 • On 3-14-13 at 22:34:56 and 22:35:18, Off. Garrett conducted EJIMS inquiries on [REDACTED]
33 [REDACTED]

34 35 **INTERVIEW OF SUBJECT OFF. SISCO**

36
37 On 4-23 -13, at approximately 1816 hours, Lt. Mendes and I conducted an interview with Off.
38 Sisco in my office at the Carlsbad Police Station. Off. Sisco was accompanied by Attorney Ken
39 Yuwiler from the Law Offices of Silver, Hadden, Silver, Wexler, and Levine. Prior to the
40 interview, I provided Attorney Ken Yuwiler a complete copy of Off. Sisco's arrest report
41 documenting this incident. Attorney Ken Yuwiler and Off. Sisco had time to meet and discuss
42 the report prior to the interview. Off. Sisco was ordered to provide full and complete answers
43 to all of our questions under the penalty of insubordination and the resulting punishment. Off.

1 Sisco stated she understood this order. I audio recorded the interview. The interview was
2 captured on two recordings due to a convenience break being taken at approximately 1840
3 hours until 1844 hours. The interview was concluded at approximately 2004 hours. Off. Sisco
4 provided us with the following information.

5
6 I asked Off. Sisco to tell me what led to her stopping the suspect vehicle in this case.
7 Off. Sisco stated that she was driving eastbound in the parking lot and she first saw the
8 suspect vehicle exiting the Circle K lot in a southbound direction, ahead of her. The
9 suspect vehicle had its right turn indicator on as the vehicle drove southbound out of
10 the Circle K lot. The vehicle did not turn right and instead continued southbound
11 through the parking lot, in front of Off. Sisco's patrol vehicle. The suspect vehicle
12 passed in front of Off. Sisco, from her left to her right. As the vehicle passed, Off. Sisco
13 ran the suspect vehicle's license plate on her in-car computer. As the vehicle drove
14 southbound through the parking lot away from Off. Sisco, she noticed that one of the
15 vehicle's brake lamps was not operating properly. Off. Sisco explained the vehicle was
16 being driven very cautiously and the brakes were being utilized as it drove away from
17 Off. Sisco. Off. Sisco stated that she recognized the name of the registered owner of the
18 vehicle ([REDACTED]). Off. Sisco then said, *"I looked up the name in SD Law, recognized
19 that to be a female that I have previously seen in SD Law, and remembered with
20 previous knowledge and seeing previously that she was affirmative fourth wavier."*

21
22 I questioned Off. Sisco regarding where she first saw the suspect vehicle. Off. Sisco
23 stated she believed that she first saw the vehicle parked at the Circle K. I asked her if
24 the vehicle was parked in front of the store and she said she did not remember exactly
25 where it was parked. Off. Sisco then explained that she had a clear recollection of
26 seeing the vehicle being driven out of the Circle K lot. Off. Sisco explained that she
27 believed she remembered seeing the vehicle parked at the Circle K, but the vehicle did
28 not have her full attention while it was parked. Off. Sisco stated, *"In the parking lot it
29 was just another car."*

30
31 Off. Sisco stated that when the suspect vehicle passed her location as it exited the Circle
32 K lot, she noticed two people inside the vehicle. Off. Sisco said she did not know who
33 the people were inside the vehicle. I asked Off. Sisco if she saw where the two
34 occupants of the vehicle came from before they entered the vehicle. Off. Sisco stated,
35 *"At this point I don't remember. I believe it was Circle K."* I asked Off. Sisco what made
36 her believe that they came from the Circle K. Off. Sisco told me, *"Because I wrote that in
37 my report and I remember them also telling me that they were coming from the Circle K
38 and they were leaving out of the parking lot."* I asked Off. Sisco if she saw the occupants
39 of the vehicle, outside the vehicle. Off. Sisco told me, *"I believe I did. My clear
40 recollection of completely seeing them was at the point when I said I saw them inside the
41 car."* Off. Sisco stated that she did not have a clear recollection of seeing them outside
42 of the vehicle. I confirmed with Off. Sisco that she had not seen the occupants of the
43 vehicle outside the vehicle. Off. Sisco stated, *"At this moment right now, my really first*

1 *recollection because that's when I really first looked at the car, was as they were pulling*
2 *out of the Circle K parking lot."*

3
4 Off. Sisco then described what happened after the vehicle passed in front of her and
5 continued southbound through the parking lot. Off. Sisco ran the vehicle license plate
6 and Off. Sisco drove eastbound through the parking lot and turned right, and drove
7 southbound in the parking lot. Off. Sisco then looked up the registered owner ([REDACTED]
8 [REDACTED]) in EJIMS and viewed a booking photograph of [REDACTED]. The suspect vehicle
9 drove eastbound in the parking lot and parked near Flippin' Pizza. As the vehicle neared
10 Flippin' Pizza, Off. Sisco notified dispatch that she was going to conduct a traffic stop on
11 the vehicle. The vehicle parked in a parking spot. Off. Sisco parked her patrol vehicle in
12 the parking space directly behind the suspect vehicle so that her front bumper was near
13 the rear bumper of the suspect vehicle. Off. Sisco does not believe that she activated
14 any emergency lights. The driver of the suspect vehicle, [REDACTED], exited the
15 vehicle and began walking away. Off. Sisco exited her vehicle and asked [REDACTED]
16 to return to the suspect vehicle and he complied. [REDACTED] remained in the suspect
17 vehicle. Off. Sisco did not observe any vehicle code violations related to the suspect
18 vehicle other than the taillight that was not operating properly.
19

20 I asked Off. Sisco to explain why she conducted a traffic stop on the suspect vehicle.
21 Off. Sisco explained that the reason for the stop was to do a fourth waiver compliance
22 check on [REDACTED]. I asked Off. Sisco to explain what led her to believe that [REDACTED]
23 [REDACTED] was on probation. Off. Sisco stated that two sources of information led her to
24 believe that [REDACTED] was on probation. Off. Sisco's reasons were:

- 25 1. Off. Sisco stated that another officer had previously told Off. Sisco that he/she
26 had intended on conducting a traffic stop on [REDACTED] because [REDACTED]
27 was on probation, but that other officer had not been able to conduct the traffic
28 stop on [REDACTED] because the other officer had to respond to a radio call. I
29 asked Off. Sisco who the officer was that provided her with the information
30 regarding [REDACTED]'s probationary status and she did not remember. I asked
31 Off. Sisco where she was when she received this information from this officer
32 and she could not remember. I attempted to determine the window of time that
33 Off. Sisco could have received this information. Off. Sisco was sure she received
34 this information after she was released from training (Off. Sisco estimated June
35 or July of 2012) and before she conducted this traffic stop on 3-14-13. Off. Sisco
36 could not narrow this window of time any further. I asked Off. Sisco if she
37 remembered the kind of radio call that prevented this other officer from making
38 the traffic stop on [REDACTED] and she could not remember. I asked Off. Sisco if
39 she was dispatched to the same radio call as the other officer and she could not
40 remember. I asked Off. Sisco if she was working the same shift as the officer
41 who provided her with this information and she stated she did not remember. I
42 asked Off. Sisco if she was working during the daytime or at nighttime when she
43 received this information from the other officer and she did not remember.
44

1 Off. Sisco denied having any recollection of ever dealing with [REDACTED] prior to
2 3-14-13.

3 I asked Off. Sisco if she had ever personally conducted any computer checks on
4 [REDACTED] that showed [REDACTED] on fourth waiver probation. Off. Sisco said,
5 "Not that I know of." Off. Sisco stated several times that she had never
6 personally searched [REDACTED] and found that she was on fourth waiver
7 probation.

8
9 I asked Off. Sisco if she had ever seen another officer conduct an inquiry on [REDACTED]
10 [REDACTED] and if she ever saw on the computer that [REDACTED] was on fourth
11 waiver probation. Off. Sisco stated, "I have never seen on the computer the
12 actual part that says fourth wavier status, no". Off. Sisco further stated,
13 "Somebody had pulled up [REDACTED]'s picture and showed me the picture before and
14 told me that she was fourth waiver. How they came up with that information, I
15 did not ask." I further questioned Off. Sisco regarding if she had previously
16 (before 3-14-13) seen [REDACTED]'s photograph. Off. Sisco stated, "My
17 recollection is more so that I remember her name." I specifically asked Off. Sisco
18 if she remembered seeing [REDACTED]'s photograph prior to the traffic stop. Off.
19 Sisco answered, "I don't believe it. I don't remember if I did or not."

20
21 I asked Off. Sisco if when she made the traffic stop if she believed that the
22 registered owner was in the vehicle. Off. Sisco said, yes. I asked Off. Sisco what
23 made her believe that the registered owner was in the vehicle. Off. Sisco stated
24 that she saw [REDACTED] in the vehicle as it passed her when the vehicle was
25 exiting the Circle K lot. Off. Sisco then ran the license plate and then ran the
26 registered owner ([REDACTED]) in EJIMS and saw a prior booking photograph of
27 [REDACTED]. Off. Sisco stated that she believed that the passenger in the vehicle
28 when it passed her was the registered owner she saw depicted in the
29 photograph in EJIMS.

30
31 Off. Sisco mentioned that she did not remember if she had messaged dispatch
32 prior to the traffic stop, requesting that they run [REDACTED]. Off. Sisco said she
33 had no recollection of doing that in this case, but she sometimes does that.

- 34
35 2. After running the suspect vehicle license plate, Off. Sisco ran the registered
36 owner ([REDACTED]) in SD LAW or EJIMS and saw that [REDACTED] had previously
37 been arrested for drug related charges. Off. Sisco stated that based on her
38 training and experience, "Most of the time it would most likely be that they
39 would be fourth waiver with that." I asked Off. Sisco if she knew of times were a
40 person could be arrested for drug related offenses and not be placed on fourth
41 waiver probation. Off. Sisco stated, when the person is not convicted or when
42 the case is not filed by the District Attorney's Office.
43

1 I reviewed the following portions of Off. Sisco's arrest report that she authored
2 documenting this incident.

- 3 1. I read Off. Sisco the following sentence from the synopsis of her report, 'On 3-
4 14-13, at approximately 2103 hours, I observed a male, later identified as
5 [REDACTED] get in the driver's seat of the above vehicle.' I asked Off. Sisco if
6 she remembered that observation. Off. Sisco stated, *"At this time, I don't recall
7 if I remember seeing him get in the driver's seat of the vehicle."*
- 8 2. I read Off. Sisco another sentence from her synopsis, 'I then observed a female,
9 later identified as [REDACTED] get in the front seat of the vehicle.' I asked Off.
10 Sisco if she remembered making this observation. Off. Sisco stated, *"At this
11 point, I don't recall if I remember seeing her actually get in the front seat of the
12 vehicle."*
- 13 3. I read Off. Sisco another sentence from her synopsis, "EJIMS revealed that [REDACTED]
14 [REDACTED] was affirmative fourth waiver'. I asked Off. Sisco if she remembered
15 EJIMS providing her with this information. Off. Sisco stated, *"This is my mistake
16 and I should have put in here that I had previously been informed that EJIMS had
17 revealed that. This was my mistake by not using the correct language and
18 putting in the correct words."* Off. Sisco also said, *"I have not personally seen
19 that, no, and I did not run the actual part that said EJIMS said that she was on
20 fourth waiver."* Off. Sisco then explained how fourth waiver information is not
21 actually available in EJIMS. The fourth waiver information is stored in a different
22 database that requires a different log-in password. I asked Off. Sisco how
23 frequently she ran people to determine if they were fourth waiver. Off. Sisco
24 stated that she used to run people frequently in that database but since she got
25 locked out of her account, she has not been able to run people to check if they
26 are fourth waiver status. Off. Sisco estimated that she has been locked out of
27 this computer database for a long time, possibly since September 2012.
- 28 4. I then read Off. Sisco a portion of her investigation detailing the contact with [REDACTED]
29 [REDACTED] and [REDACTED] following the traffic stop. Off. Sisco's report states
30 that after stopping the suspects, she told them that she had stopped them to do
31 a fourth waiver probation compliance check on [REDACTED]. Off. Sisco stated
32 that this was incorrect. Off. Sisco said, *"This is incorrect. Out of sequence. That
33 should be later on. I did not initially even tell them why I was talking to them.
34 When I approached the vehicle, he was getting out and I said hey, you mind just
35 sitting there real quick while I can talk to you real quick? So I didn't even
36 necessarily walk up and say I'm stopping your vehicle. It was just more of making
37 conversation with them, and after he asked me why, after I had already asked
38 these questions, he asked why I was speaking with them, and I told them that I
39 was doing a fourth waiver compliance check."*

40
41 I then spoke with Off. Sisco about her conversation with Sgt. Beronda on 3-14-13, after
42 this arrest. Off. Sisco remembered speaking with Sgt. Beronda about this traffic stop.
43 Off. Sisco remembered telling Sgt. Beronda what led to her making this traffic stop. Off.
44 Sisco told Sgt. Beronda that she had observed the vehicle driving in the parking lot with

1 a brake light not working properly. Off. Sisco stated that Sgt. Beronda interrupted her
2 and told her that the vehicle code did not apply in the parking lot. Off. Sisco explained
3 that she was aware of that and she then told Sgt. Beronda that she stopped the vehicle
4 to conduct a fourth waiver compliance check. Off. Sisco also told Sgt. Beronda that the
5 driver was unlicensed and she asked Sgt. Beronda if a license was required on private
6 property. Sgt. Beronda stated that a license was not required. Off. Sisco said that she
7 did not know that before speaking with Sgt. Beronda. Off. Sisco also asked Sgt. Beronda
8 if she was authorized to make a DUI arrest on private property and Sgt. Beronda told
9 her, yes.

10
11 I spoke with Off. Sisco regarding what she told Sgt. Beronda as it related to her
12 knowledge of [REDACTED] being on fourth waiver probation. Off. Sisco stated that she
13 did tell Sgt. Beronda that she ran the suspect vehicle license plate, and then ran the
14 registered owner ([REDACTED] in EJIMS and confirmed that she was the passenger in the
15 vehicle. I asked Off. Sisco if she told Sgt. Beronda that she had confirmed that [REDACTED]
16 [REDACTED] was on fourth waiver status. Off. Sisco said, *'I did not say that I confirmed it. I*
17 *said I know she was on fourth waiver' and 'I don't believe I said that. I confirmed it.'*
18

19 I asked Off. Sisco if her report accurately reflected what happened during this incident.
20 Off. Sisco said, *'There are things that I could change about my report and there are*
21 *things that I would put in a different order. And there are things, words I might change*
22 *to accurately portray it to somebody else. In my mind, I understand what's going on.*
23 *But it could be portrayed incorrectly to somebody else if they were not there.'*
24

25 Off. Sisco said that she remembers being trained that she was supposed to confirm
26 somebody's fourth waiver status before conducting a search. I asked Off. Sisco if she
27 felt she had sufficiently determined that Rae Hebert was on fourth waiver probation
28 before conducting this traffic stop. Off. Sisco said, *'I believe there's probably more I*
29 *could have done, and I'm not saying that this is perfect, by no means at all. But what I'm*
30 *saying is at the time I thought that I had enough knowledge to do that, yes.'*
31

32 I asked Off. Sisco if she ever documented the prior information that she had receive
33 from the other officer in this case or in any other case. Off. Sisco said, no. I asked Off.
34 Sisco if she ever told Sgt. Beronda about this prior information that she had received
35 regarding [REDACTED]'s fourth waiver probation status. Off. Sisco said, no.
36

37 At the conclusion of the interview, Off. Sisco was ordered per a printed Carlsbad Police
38 Interview Admonition for Peace Officers, to not discuss this interview or investigation with
39 anyone except her legal representative, medical or mental health professionals, family
40 members or clergy. Off. Sisco stated that she understood this order.
41

42 On 4-23-13, following the above interview, I advised Off. Sisco per a printed memorandum that
43 she was immediately being placed on paid administrative leave. This advisement was made in
44 the presence of Lt. Mendes and Off. Sisco's attorney, Ken Yuwiler. I obtained Off. Sisco's badge,

1 identification card, and department issued pistol and rifle. Off. Sisco signed the memorandum
2 and stated that she understood the orders. This conversation was not audio recorded.

3
4 On 4-23-13, I obtained a faxed copy of the Probable Cause Declaration (PCD) prepared by Off.
5 Sisco regarding the arrest and booking of [REDACTED]. The PCD contained no information
6 regarding the reason for the traffic stop or any reference to either [REDACTED] or [REDACTED]
7 being on fourth wavier probation. The PCD stated that Off. Sisco observed Herbert Kulick
8 driving the vehicle in a parking lot. During a search of a bag located between [REDACTED]'s
9 legs, Off. Sisco found narcotics and narcotics paraphernalia. See the attached copy of the PCD
10 for further information.

11
12 On 4-24-13, I received the results of a SDSO inquiry into the use of the County Locals computer
13 database by any employee of the Carlsbad Police Department between 6-1-12 and 3-14-13, to
14 inquire on [REDACTED]. These results were received from Jessica O'Leary at the SDSO
15 Communications Center. The results showed that there were no inquiries made into [REDACTED]
16 [REDACTED]'s probation status between 6-1-12 and 3-14-13, by any employee of the Carlsbad Police
17 Department prior to Off. Sisco's traffic stop. All County Locals inquiries on [REDACTED] were
18 conducted after the traffic stop by Off. Sisco.

19
20 On 4-24-13, I received an emailed copy of all the Carlsbad Police Dispatch radio traffic
21 associated with this incident from Carlsbad Police Dispatch Communications Manager Joan
22 Mabrouk. I listened to this audio recording and noted the following information.

23
24 Off. Sisco (48-Paul) is heard broadcasting an 11-49 (traffic stop) at the Flippin' Pizza near
25 La Costa Ave. and El Camino Real. Off. Sisco provided the suspect vehicle license plate
26 number. Off. Sisco then asks for, "A second routine" (routine cover unit). Off. Sisco then
27 conducts an inquiry through CPD dispatch on [REDACTED] and [REDACTED] by
28 providing their driver's license numbers. CPD dispatch advised Off. Sisco that [REDACTED]
29 [REDACTED] was on fourth waiver probation and he had a suspended driver's license. CPD
30 dispatch then advised Off. Sisco that [REDACTED] was on fourth wavier probation and
31 she had a valid driver's license. Off. Sisco advised that she was Code-4 and that she was
32 conducting a search. Off. Sisco then advised that she made an arrest. Off. Thompson
33 (47-Paul) is heard conducting an inquiry through CPD dispatch on four pills, by giving
34 descriptions of the pills to dispatch. Off. Torres (47-Edward) conducted an inquiry on a
35 name of a person, asking if they were a reported victim of a crime. Off. Thompson
36 requested a case number for Off. Sisco. Off. Sisco advised that she would be
37 transporting her prisoner ([REDACTED]) to CPD and requested a blood technician. Off.
38 Sisco arrived at CPD and later transported [REDACTED] to the Vista Detention Facility.

40 INTERVIEW OF SGT. THOMAS

41
42 On 4-26-13, at approximately 1304 hours, I interviewed Sgt. Thomas. The interview was
43 conducted in my office at the Carlsbad Police Station. Sgt. Thomas was not accompanied by a
44 representative. Sgt. Thomas was ordered to provide full and complete answers to all of my

1 questions under the penalty of insubordination and the resulting punishment. Sgt. Thomas
2 stated he understood this order. I audio recorded the interview. The interview was concluded
3 at approximately 1309 hours. This interview was transcribed and a copy of the transcription is
4 included in this investigation. Sgt. Thomas provided me with the following information.

5
6 Sgt. Thomas remembered reading and approving Off. Sisco's report documenting this
7 incident. Sgt. Thomas believes that the report was in the patrol in-basket and he
8 obtained the report from there for approval. Sgt. Thomas does not have any
9 recollection of speaking with Off. Sisco regarding this report. Sgt. Thomas has no
10 recollection of ever having any interaction with either [REDACTED] or [REDACTED]. Sgt.
11 Thomas was working overtime as a patrol sergeant when he approved this report on 3-
12 16-13.

13
14 At the conclusion of the interview, Sgt. Thomas was ordered per a printed Carlsbad Police
15 Interview Admonition for Peace Officers, to not discuss this interview or investigation with
16 anyone except a legal representative. Sgt. Thomas stated that he understood this order.

17
18 On 4-26-13, I conducted an inquiry on [REDACTED] and found that she is on active fourth waiver
19 probation status until 1-13-16 on court case number [REDACTED]. See attached County Locals
20 printouts documenting this information.

21
22 On 4-26-13, I obtained a total of 23 pages of court minutes for court case number [REDACTED]
23 from District Attorney's Office Paralegal Amanda Ross. The minutes show that after several
24 unsuccessful attempts at completing the drug court program, [REDACTED] pled guilty to a drug
25 offense. On 1-14-13, [REDACTED] pled guilty to Health and Safety Code Section 11377(a) and
26 was granted probation by the Honorable Judge Orfield. As a requirement of the grant of
27 probation, [REDACTED] agreed to a fourth amendment waiver to expire on 1-13-16. See the
28 attached court minutes for case number [REDACTED]. These court minutes contain no
29 information to indicate that [REDACTED] was on fourth waiver probation prior to 1-14-13.

30
31 On 4-26-13, as a result of my inquiry, Carlsbad Police Crime Analyst Cindy Tran advised me that
32 she had searched all of her BOL publications back to 2010 and found none of them that
33 contained [REDACTED]'s name. I conducted this inquiry to eliminate the possibility that Off.
34 Sisco might have learned of [REDACTED]'s fourth wavier status as a result of a CPD BOL
35 publication.

36
37 On 4-26-13, I conducted a registration check on the suspect vehicle license plate number CA #
38 [REDACTED]. The inquiry revealed that this 2002 Volkswagen is registered to [REDACTED] in
39 Oceanside. The vehicle was currently registered as of 3-14-13, with an expiration date of 4-8-
40 13. I conducted this inquiry to confirm that [REDACTED] was the registered owner of the vehicle
41 as Off. Sisco stated and to confirm if the vehicle was properly registered on 3-14-13. Sgt.
42 Beronda had stated that he thought that registration might have been one of the vehicle code
43 violations observed by Off. Sisco prior to the traffic stop. This inquiry shows that on 3-14-13,
44 this vehicle was properly registered.

1
2 I obtained copies of the Daily Patrol Shift Schedules for E2 on 3-14-13 and 3-16-13, and D2 on 3-
3 16-13. See the attached copies of the schedules.

4
5 The schedule for E2 on 3-14-13 shows Off. Sisco as unit 48-Paul, Sgt. Beronda as unit 42-
6 Sam, Lt. May as unit 4-Lincoln, Off. Thompson as unit 47-Paul, Off. Torres as unit 47-
7 Edward, and Off. Richards as unit 44-Edward.

8
9 The schedule for E2 on 3-16-13 shows Lt. May as unit 4-Lincoln, Sgt. Beronda as unit 42-
10 Sam and Sgt. Chase as unit 41-Sam.

11
12 The schedule for D2 on 3-16-13 shows Sgt. Thomas as unit 31-Sam.

13 14 **INTERVIEW OF SGT. CHASE**

15
16 On 5-1-13, at approximately 1532 hours, Sgt. Jackowski and I interviewed Sgt. Chase. The
17 interview was conducted in my office at the Carlsbad Police Station. Sgt. Chase was not
18 accompanied by a representative. Sgt. Chase was ordered to provide full and complete
19 answers to all of our questions under the penalty of insubordination and the resulting
20 punishment. Sgt. Chase stated she understood this order. I audio recorded the interview. The
21 interview was concluded at approximately 1542 hours. This interview was transcribed and a
22 copy of the transcription is included in this investigation. Sgt. Chase provided us with the
23 following information.

24
25 Sgt. Chase is partner sergeants with Sgt. Beronda and they both supervise the E2 shift
26 that Off. Sisco was assigned. Sgt. Chase is managed by Lt. May. Sgt. Chase was not
27 working on the night of 3-14-13. Sgt. Chase remembered having a discussion with Sgt.
28 Beronda and Lt. May on or about 3-16-13, related to this incident and Off. Sisco. Sgt.
29 Chase remembered Sgt. Beronda being concerned that Off. Sisco had initially told him
30 that she had stopped the vehicle for vehicle code violations in a parking lot. After Sgt.
31 Beronda told Off. Sisco that the vehicle code violations did not apply in the parking lot,
32 Off. Sisco told Sgt. Beronda that she stopped the suspect vehicle because the passenger
33 was on fourth waiver probation. When Sgt. Beronda checked Off. Sisco's report of the
34 incident, Off. Sisco did not mention the vehicle code violations, only the fourth waiver
35 status as the reason for the stop. Sgt. Beronda was also concerned that Off. Sisco stated
36 that she had conducted computer checks on the vehicle and registered owner to
37 determine that the registered owner was on fourth waiver probation. Sgt. Beronda was
38 concerned that Off. Sisco reported doing these checks in less than two minutes, while
39 driving through the parking lot.

40
41 Sgt. Chase has not spoken with Off. Sisco regarding this incident. Sgt. Chase has also not
42 spoken to Off. Thompson, Off. Torres, or Off. Richards regarding this incident.
43

1 At the conclusion of the interview, Sgt. Chase was ordered per a printed Carlsbad Police
2 Interview Admonition for Peace Officers, to not discuss this interview or investigation with
3 anyone except a legal representative. Sgt. Chase stated that she understood this order.
4

5 **INTERVIEW OF OFF. THOMPSON**
6

7 On 5-9-13, at approximately 1607 hours, Lt. Mendes and I interviewed Off. Thompson. The
8 interview was conducted in my office at the Carlsbad Police Station. Off. Thompson was not
9 accompanied by a representative. Off. Thompson was ordered to provide full and complete
10 answers to all of our questions under the penalty of insubordination and the resulting
11 punishment. Off. Thompson stated he understood this order. Prior to the interview, I allowed
12 Off. Thompson to review Off. Sisco's written arrest report detailing this incident. I audio
13 recorded the interview. The interview was concluded at approximately 1632 hours. This
14 interview was transcribed and a copy of the transcription is included in this investigation. Off.
15 Thompson provided us with the following information.
16

17 Off. Thompson said that he has a clear recollection of this incident. Off. Thompson was
18 dispatched to cover Off. Sisco who had conducted this traffic stop. Off. Thompson did
19 not remember where he responded from to cover Off. Sisco, but he was sure that he
20 was not present with Off. Sisco when the traffic stop was made. When Off. Thompson
21 arrived at the scene of the traffic stop, he found Off. Sisco standing with the male
22 suspect (██████████) near the rear of the suspect vehicle. The female passenger (██████████)
23 ██████████ was still seated in the vehicle and Off. Torres was standing near the passenger
24 door of the suspect vehicle. Off. Thompson saw that Off. Sisco was conducting a pat-
25 down search on the male suspect. Off. Sisco told Off. Thompson that she intended on
26 conducting a search, and Off. Thompson asked Off. Sisco if the suspects were on fourth
27 waiver probation. Off. Sisco told Off. Thompson that she did not know. Off. Thompson
28 then returned to his patrol vehicle to conduct inquiries on the suspects to determine if
29 they were on fourth waiver probation. (SDSO inquiries corroborate that Off. Thompson
30 conducted inquiries on ██████████ at 2116 hours.) Off. Thompson did not recognize or
31 remember any previous contacts with either ██████████ or ██████████ prior to this
32 incident. While Off. Thompson was conducting these computer inquiries, he overheard
33 the female suspect (██████████) tell Off. Torres that they had been stopped for not
34 using a turn signal in the parking lot. Off. Thompson also heard Carlsbad Dispatch
35 advise that the suspects were on fourth waiver probation. Off. Thompson then went to
36 Off. Sisco and told her that failing to use a turn signal in the parking lot was not
37 appropriate probable cause to stop the suspects because that vehicle code section does
38 not apply in parking lots. Off. Sisco then told Off. Thompson that she knew that the
39 female passenger (██████████) was on fourth waiver probation. Off. Thompson stated
40 that he immediately recognized the conflicts in the information that Off. Sisco had told
41 him regarding her knowledge of the fourth wavier status of the suspects. Off.
42 Thompson said that he did not question Off. Sisco any further regarding her knowledge
43 of the suspects' fourth waiver probation status. Off. Thompson stated that he wanted

1 to give Off. Sisco the benefit of the doubt regarding this issue, but he had serious doubts
2 about Off. Sisco's ability to have known the suspects' fourth wavier status.

3
4 Off. Thompson explained that he was a Carlsbad Police Dispatcher for about 3 ½ years
5 before becoming a police officer. As a result of his dispatch experience, he is very
6 familiar with the computer databases available to officers. Off. Thompson stated that
7 he had reviewed Off. Sisco's CAD history and he noticed the short period of time
8 between when Off. Sisco ran the suspect vehicle license plate and when Off. Sisco
9 conducted the traffic stop. Off. Thompson had suspicions that Off. Sisco could have
10 done all of the inquiries necessary to know that the suspect was on fourth waiver
11 probation within that short period of time. Off. Thompson stated that he had
12 mentioned to Sgt. Beronda his suspicions regarding Off. Sisco's conduct during this
13 incident.

14
15 I asked Off. Thompson if he had spoken to any other department employees regarding
16 this incident. Off. Thompson stated that he had spoken with Off. Burns regarding some
17 personal issues and during that conversation he had mentioned his suspicions regarding
18 Off. Sisco related to this incident. Off. Thompson stated that Off. Burns was not
19 surprised by what Off. Thompson told her, but Off. Burns did not have any information
20 regarding this incident. Off. Thompson said that Off. Burns was not aware of any
21 potential problems with this incident before Off. Thompson mentioned the incident to
22 her.

23
24 At the conclusion of the interview, Off. Thompson was ordered per a printed Carlsbad Police
25 Interview Admonition for Peace Officers, to not discuss this interview or investigation with
26 anyone except a legal representative. Off. Thompson stated that he understood this order.

27 28 **INTERVIEW OF OFF. TORRES**

29
30 On 5-9-13, at approximately 1642 hours, Lt. Mendes and I interviewed Off. Torres. The
31 interview was conducted in my office at the Carlsbad Police Station. Off. Torres was
32 accompanied by Off. Harvey who served as a representative. Off. Torres was ordered to
33 provide full and complete answers to all of our questions under the penalty of insubordination
34 and the resulting punishment. Off. Torres stated he understood this order. Prior to the
35 interview, I allowed Off. Torres to review Off. Sisco's written arrest report detailing this
36 incident. I audio recorded the interview. The interview was concluded at approximately 1655
37 hours. This interview was transcribed and a copy of the transcription is included in this
38 investigation. Off. Torres provided us with the following information.

39
40 Off. Torres responded to the traffic stop to serve as a cover officer for Off. Sisco. Off.
41 Torres was not present at the time that the traffic stop was made. Off. Torres did not
42 recognize or remember any previous contacts with either [REDACTED] or [REDACTED]
43 prior to this incident. Off. Torres believed that when he arrived on scene, Off.
44 Thompson was already on scene and the suspects might have been already out of the

1 vehicle and sitting on the curb. However, Off. Torres stated that he did not have a clear
2 recollection of the incident. (CAD reports show that Off. Torres arrived on scene at 2107
3 hours, and Off. Thompson arrived on scene at 2108 hours.) Off. Torres stated that he
4 served as security during the stop and spoke with the suspects while Off. Sisco
5 conducted her search of the vehicle. Off. Torres did not remember what discussion he
6 had with the suspects. I asked Off. Torres if he remembered being told by either of the
7 suspects why they were stopped and he said, no. I asked Off. Torres if Off. Sisco ever
8 told him why she stopped the vehicle and he said, no.
9

10 At the conclusion of the interview, Off. Torres was ordered per a printed Carlsbad Police
11 Interview Admonition for Peace Officers, to not discuss this interview or investigation with
12 anyone except a legal representative. Off. Torres stated that he understood this order.
13

14 INTERVIEW OF OFF. RICHARDS

15

16 On 5-9-13, at approximately 1704 hours, Lt. Mendes and I interviewed Off. Richards. The
17 interview was conducted in my office at the Carlsbad Police Station. Off. Richards was not
18 accompanied by a representative. Off. Richards was ordered to provide full and complete
19 answers to all of our questions under the penalty of insubordination and the resulting
20 punishment. Off. Richards stated he understood this order. Prior to the interview, I allowed
21 Off. Richards to review Off. Sisco's written arrest report detailing this incident. I audio recorded
22 the interview. The interview was concluded at approximately 1713 hours. This interview was
23 transcribed and a copy of the transcription is included in this investigation. Off. Richards
24 provided us with the following information.
25

26 Off. Richards stated that he heard Off. Sisco conduct this traffic stop and then conduct
27 an inquiry on [REDACTED] over the radio. Off. Richards stated that he never went to the
28 scene of the traffic stop but he conducted a computer inquiry on [REDACTED] because
29 her name sounded familiar to him when he heard it over the radio. (SDSO inquiries
30 corroborate that Off. Richards conducted inquiries on [REDACTED] at 2115 hours.) Off.
31 Richards never relayed any information to Off. Sisco regarding [REDACTED] he
32 conducted the inquiry for his own information. Off. Richards stated that sometimes he
33 conducts inquiries on suspects that other officers are contacting so that he can provide
34 them information such as prior drug arrests. In this incident, Off. Richards stated that
35 he did not provide Off. Sisco with any information regarding [REDACTED]. Off. Richards
36 did not know why [REDACTED]'s name sounded familiar to him. (Off. Richards arrested
37 [REDACTED] on 10-27-11 for narcotics related offenses; Carlsbad Police case 11-06589.
38 [REDACTED] was not convicted or placed on probation as a result of this arrest.)
39

40 Off. Richards was not aware of any issues related to Off. Sisco's arrest. Off. Richards did
41 not have any specific recollection regarding having a conversation with Off. Sisco about
42 her arrest other than he might have asked her what kind of narcotics she recovered.
43
44

At the conclusion of the interview, Off. Richards was ordered per a printed Carlsbad Police Interview Admonition for Peace Officers, to not discuss this interview or investigation with anyone except a legal representative. Off. Richards stated that he understood this order.

ANALYSIS AND CONCLUSION

On 3-20-13, Sgt. Beronda filed the aforementioned Supervisor's Complaint Summary regarding Off. Sisco's conduct on 3-14-13. As a result of that complaint, the following allegations are appropriate for consideration and analysis. The following analysis deals with each allegation separately. I have attempted to associate all relevant facts obtained from witness statements, subject officer statement, computer database inquiries, court records, and associated documents with the appropriate allegation.

Allegation 1

340.3.5 (i) - PERFORMANCE

(i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

Analysis: I identified two excerpts of Off. Sisco's reports that contain information that may be in conflict with evidence discovered during this investigation. I underlined the portions of the excerpts that are possibly in conflict with evidence discovered during this investigation.

1. In Off. Sisco's written arrest report for this incident she stated the following:

"On 03-14-13, at approximately 2103 hours, I observed a male, later identified as [REDACTED] get in the driver seat of the above vehicle. I then observed a female, later identified as [REDACTED] get in the front passenger seat of the vehicle. The California license plate [REDACTED] was registered to [REDACTED] eJims revealed [REDACTED] was affirmative 4th waiver. I located a picture of [REDACTED] on eJims. I recognized the passenger of the vehicle/registered owner of the vehicle, to be [REDACTED] due to the picture located on eJims. I observed [REDACTED] drive the vehicle from the Circle K across the parking lot to Flippin Pizza. [REDACTED] parked the vehicle. I then conducted a traffic stop to conduct a 4th waiver compliance check for [REDACTED]." (Page 5 of 8; lines 7-14)

2. On page two of the DMV DS 367 form signed by Off. Sisco on 3-14-13, Off. Sisco handwrote the following information. This form was signed under penalty of perjury by Off. Sisco.

"On 03-14-13 at about 2103 hours I stopped California license plate [REDACTED] The vehicle did not have a center brake light that worked. I also ran the license plate and the registered owner of the vehicle was [REDACTED] I saw [REDACTED] get into the passenger side of the vehicle. SDLAW provided me information that [REDACTED] was affirmative 4th

1 waiver. The description of [REDACTED] in the front passenger seat matched the picture in
2 SDLAW."

3
4 Sgt. Beronda reported that during his initial discussion with Off. Sisco on 3-14-13, Off. Sisco told
5 him the probable cause for this traffic stop was a/some vehicle code violation(s). When Sgt.
6 Beronda told Off. Sisco that the vehicle code section(s) did not apply in a private parking lot,
7 Off. Sisco told Sgt. Beronda that the probable cause for the stop was a fourth wavier
8 compliance check on [REDACTED]. When Off. Sisco prepared her report, she made no mention
9 of any observed vehicle code violations, leading to her traffic stop.

10
11 During Off. Sisco's interview, she stated that she did not remember seeing either [REDACTED] or
12 [REDACTED] enter the parked suspect vehicle. Her first clear recollection of seeing the
13 vehicle and occupants ([REDACTED] and [REDACTED]) was when it was being driven out of the
14 Circle K parking lot.

15
16 During Off. Sisco's interview, she stated at the time of the traffic stop she believed that [REDACTED]
17 [REDACTED] was on active fourth waiver probation because she remembered being told by another
18 officer that [REDACTED] was on fourth waiver probation. Off. Sisco could not remember what
19 officer provided her this information, when she received this information, or where she
20 received this information. Off. Sisco stated that she never documented in this case, or in any
21 other case, that she received this information from another officer.

22
23 Off. Sisco also stated during her interview that she also believed that [REDACTED] was likely on
24 fourth waiver probation due to [REDACTED] being previously arrested for a drug offense. Off.
25 Sisco knew of this previous narcotics arrest before the traffic stop because she conducted an
26 inquiry in EJIMS prior to the stop. Off. Sisco stated that she never actually saw on any
27 computer database that [REDACTED] was actually on fourth wavier probation. Off. Sisco also
28 stated that she was aware that people who are arrested for narcotics offenses and not
29 convicted, do not get placed on fourth waiver probation.

30
31 During Off. Thompson's interview, he stated that Off. Sisco told him at the scene of the traffic
32 stop that she did not know that either suspect was on active fourth waiver probation status,
33 prior to being advised by Carlsbad Police Dispatch.

34
35 A County Locals computer database use inquiry revealed that neither Off. Sisco, nor any other
36 Carlsbad Police employee had conducted a County Locals inquiry on [REDACTED] to determine if
37 she was on fourth waiver probation between 6-1-12 and the time of the traffic stop on 3-14-14.

38
39 A court records inquiry revealed that [REDACTED] has been on fourth waiver probation since 1-
40 13-13.

Allegation 2**340.3.5 (o) - PERFORMANCE**

(o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.

Analysis: This allegation is associated with allegation 1. If Off. Sisco is found to have provided false or misleading information in her arrest report or DMV declaration, she might be in violation of this policy section.

Allegation 3**340.3.5 (p) - PERFORMANCE**

(p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.

Analysis: Same analysis as allegation 2.

Allegation 4**340.3.5 (aa) - PERFORMANCE**

(aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.

Analysis: If Off. Sisco is determined to have been inaccurate, misleading or untruthful in her oral communications with her supervisor or in her written police reports, Off. Sisco might be in violation of this policy section.

Allegation 5**340.3.5 (ad) - PERFORMANCE**

(ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

Analysis: Sgt. Beronda and Off. Sisco both agree that they spoke following Off. Sisco's arrest of [REDACTED] on 3-14-13, at the Carlsbad Police Station. In Sgt. Beronda's interview he provided the following information regarding this conversation. I underlined the portions of Off. Sisco's statements to Sgt. Beronda that are possibly in conflict with evidence discovered during this investigation.

Off. Sisco told Sgt. Beronda that she had initially seen the suspect vehicle parked near the Circle K store (located in the same shopping center as Flippin' Pizza). Off. Sisco saw a female later identified as the registered owner get into the vehicle as a passenger. Off. Sisco recognized the female as the owner ([REDACTED]) from the photograph that

1 she had looked at on her computer and she knew that the owner was on fourth waiver
2 probation status.

3
4 Off. Sisco also told Sgt. Beronda that she saw two or three minor vehicle code violations
5 on the suspect vehicle. Sgt. Beronda told Off. Sisco that the vehicle code violations did
6 not apply in a private parking lot. Off. Sisco then told Sgt. Beronda that the driver was
7 unlicensed. Sgt. Beronda told Off. Sisco that the driver's license offense also did not
8 apply on private property. Off. Sisco then told Sgt. Beronda that the passenger was on
9 fourth waiver probation. Sgt. Beronda asked Off. Sisco when she learned that
10 information. Off. Sisco told Sgt. Beronda that she knew the passenger was on fourth
11 waiver probation prior to making the traffic stop. Off. Sisco explained that prior to the
12 traffic stop she ran the vehicle's license plate, then looked up the registered owner's
13 picture ([REDACTED]), all on her patrol vehicle computer. Off. Sisco then verified that
14 female passenger that Off. Sisco saw get into the vehicle was the registered owner by
15 using the photograph Off. Sisco had found in her computer of the registered owner.
16 After she confirmed that the passenger was the registered owner who is fourth waiver
17 status, she stopped the vehicle by Flippin' Pizza.

18
19 During Off. Sisco's interview she provided the following information regarding her conversation
20 with Sgt. Beronda on 3-14-13.

21
22 Off. Sisco remembered speaking with Sgt. Beronda about this traffic stop. Off. Sisco
23 remembered telling Sgt. Beronda what led to her making this traffic stop. Off. Sisco told
24 Sgt. Beronda that she had observed the vehicle driving in the parking lot with a brake
25 light not working properly. Off. Sisco stated that Sgt. Beronda interrupted her and told
26 her that the vehicle code did not apply in the parking lot. Off. Sisco explained that she
27 was aware of that and she then told Sgt. Beronda that she stopped the vehicle to
28 conduct a fourth waiver compliance check.

29
30 During Off. Thompson's interview, he stated that Off. Sisco told him at the scene of the traffic
31 stop that she did not know that either suspect was on active fourth waiver probation status,
32 prior to being advised by Carlsbad Police Dispatch.

33
34 Off. Sisco's statement to Sgt. Beronda that she knew [REDACTED] was on fourth waiver
35 probation before conducting the traffic stop is in contention. Off. Sisco also told Sgt. Beronda
36 that she identified the female passenger who got into the vehicle as the registered owner by
37 viewing her booking photograph on her in-car computer. During Off. Sisco's interview, she
38 stated that she had no recollection of seeing [REDACTED] enter the suspect vehicle. Whether
39 Off. Sisco actually saw [REDACTED] enter the vehicle as she told Sgt. Beronda is also in
40 contention.

Allegation 6**340.3.5 (m) - PERFORMANCE**

(m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

To wit:

344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

Analysis: See the analysis under allegation 1 detailing potential errors, misleading or falsified information contained within Off. Sisco's reports documenting this incident.

I, Sgt. Williams, respectfully submit this report for review and disposition.

Submitted by:

M. Williams
Internal Affairs Sergeant Mickey Williams
Professional Standards and Services Division

5-10-13
Date

Approved by:

P. Mendes
Internal Affairs Lieutenant Paul Mendes
Professional Standards and Services Division

5-12-13
Date

4

CONFIDENTIAL

CARLSBAD POLICE DEPARTMENT INTERNAL AFFAIRS INVESTIGATION #13-IA-07

WITNESS LIST

<u>Name</u>	<u>Telephone</u>
Sergeant Richard Beronda #5265 (Complainant) Carlsbad Police Department	760-931-2136
Lieutenant Bruce May #5192 Carlsbad Police Department	760-931-2115
Sergeant Jade Chase #5348 Carlsbad Police Department	760-931-2136
Sergeant Steve Thomas #5296 Carlsbad Police Department	760-931-2149
Officer Matt Thompson #5383 Carlsbad Police Department	760-931-2100
Officer Michael Torres #5416 Carlsbad Police Department	760-931-2100
Officer Justin Richards #5391 Carlsbad Police Department	760-931-2100
Crime Analyst Cindy Tran Carlsbad Police Department	760-931-2170
Communications Manager Joan Mabrouk Carlsbad Police Department	760-931-2197
Jessica O'Leary San Diego Sheriff's Department Communications Center Jessica.O'Leary@sdsheriff.org	858-565-3309
ESUN Infrastructure Engineer Chris Saulpaugh San Diego Sheriff's Department Chris.saulpaugh@sdsheriff.org	858-505-6613

Witness List

1	Paralegal Amanda Ross	760-806-4016
2	San Diego County District Attorney's Office; North County Branch	
3	Amanda.ross@sdcca.org	
4		
5	Sergeant Mickey Williams #5221 (Investigator)	760-931-2178 (work)
6	Carlsbad Police Department	
7	2560 Orion Way	
8	Carlsbad, CA 92010	

5

BK date

CARLSBAD POLICE DEPARTMENT

Bail

3-14-13

23:27:41

ARREST/INTOXICATION REPORT

\$5,000

<input checked="" type="checkbox"/> ARREST REPORT	WARRANT <input type="checkbox"/> LOCAL <input type="checkbox"/> OUT		AGENCY CBPD	ARJIS ASSISTED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	PAGE 1 OF 8	AGENCY NUMBER 13-01544
<input type="checkbox"/> JUVENILE CONTACT	ARREST DATE 03/14/13	TIME 2119	BEAT/DISTRICT 8/119	RELATED REPORTS (TYPE, NUMBER)		SDSO BOOKING NUMBER 13717699
<input type="checkbox"/> NOTIFY WARRANT						CITATION NUMBER

6



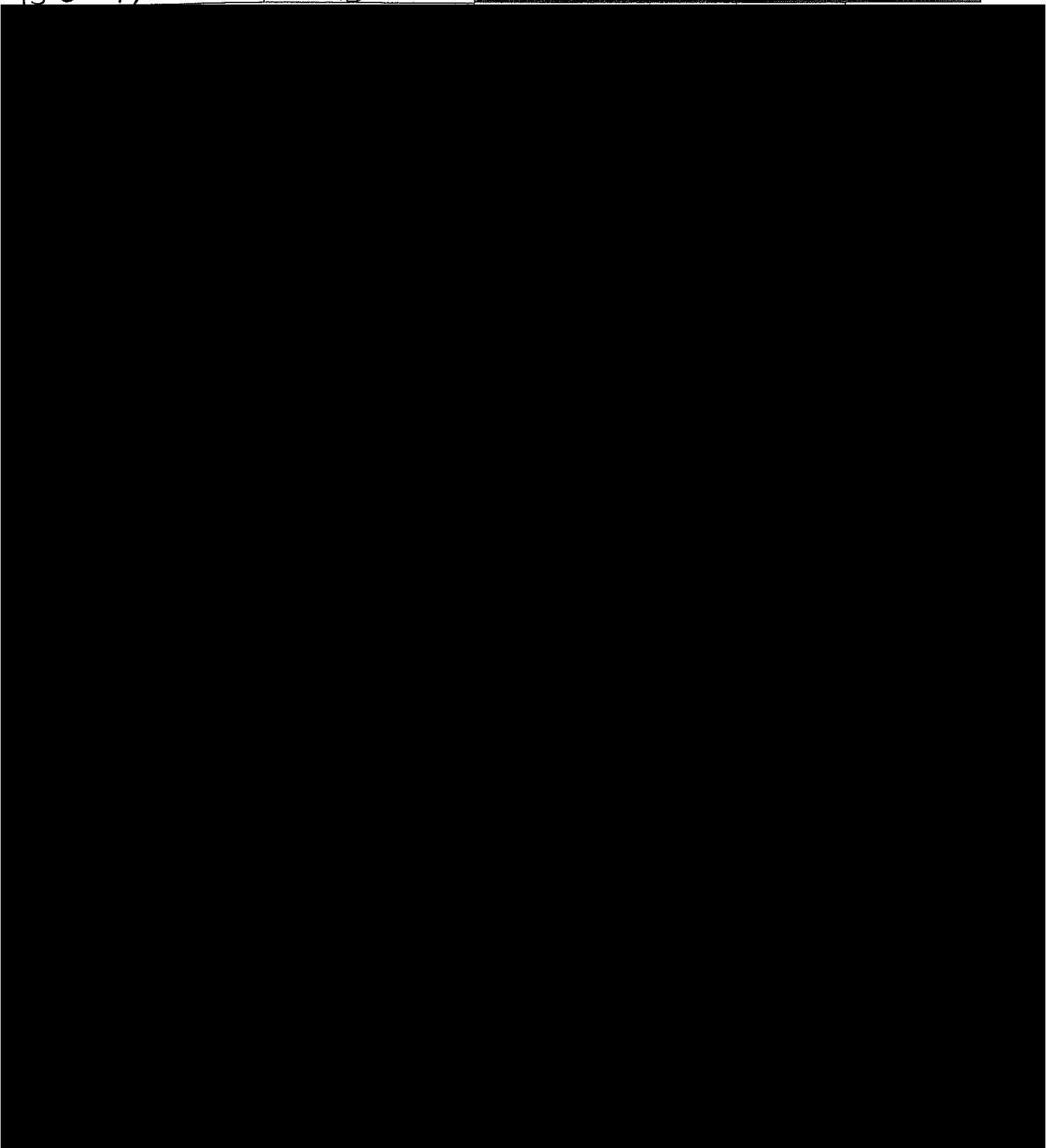
AGE 21 AND OLDER OFFICER'S STATEMENT
SECTIONS 13353, 13353.1, 13353.2 & 13389 CALIFORNIA VEHICLE CODE (CVC)

APS

FORWARD THIS FORM WITHIN 5 BUSINESS
DAYS TO YOUR LOCAL DRIVER SAFETY
OFFICE, LISTED ON THE BACK OF PAGE 2

COMPLETE IN BLACK INK

ENFORCEMENT AGENCY CASE NO. 13-01544	DETENTION/ARREST DATE 03-14-13	FOR DMV USE ONLY
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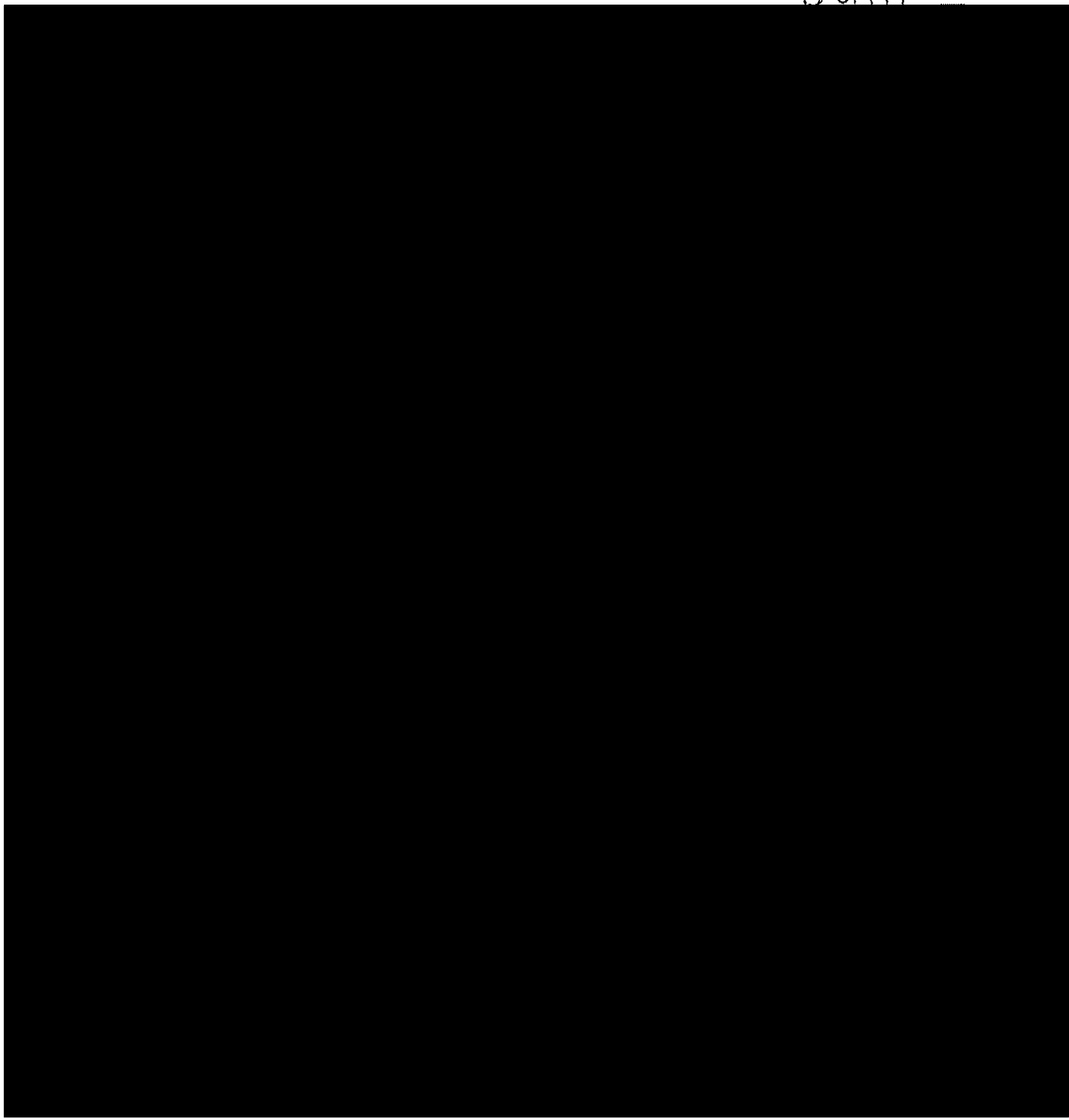
7

13717699

(DUI PC FORM)

**DECLARATION AND DETERMINATION
(PROBABLE CAUSE FOR WARRANTLESS ARREST)**

13-61544



8

Detailed History for Police Inc# #130018061 As of 4/23/2013 16:12:17

Priority:3 Type:T - Traffic Stop

Location:7662 EL CAMINO REAL,CB

LocCross:btwn LA COSTA AV and LA COSTA TOWNE CENTER

Created:	03/14/2013 21:03:14	DSP4	CB5437
Entered:	03/14/2013 21:03:14	DSP4	CB5437
Dispatch:	03/14/2013 21:03:14	DSP4	CB5437
Enroute:	03/14/2013 21:03:14	DSP4	CB5437
Onscene:	03/14/2013 21:03:14	DSP4	CB5437
Control:	03/14/2013 21:16:12	DSP2	CB5213
Transprt:	03/14/2013 22:04:06	DSP4	CB5437
Complete:	03/14/2013 22:11:41	DSP4	CB5437
Closed:	03/14/2013 23:46:22	A237	CB5426

PrimeUnit:48P Dispo:RTF Type:T - Traffic Stop

Agency:CBPD Group:PD01 Beat:8 RD:119

Case #:CB130001544 ☐ Detail

21:03:14 CREATE Location:LA COSTA/ECR FLIPPIN PIZZA - Type:T Plate: [REDACTED] TypeDesc:Traffic Stop
Priority:3 Agency:CBPD

21:03:14 ENTRY Plate:[REDACTED] Group:None-->PD01

21:03:14 DISPOS 48P Location:LA COSTA/ECR FLIPPIN PIZZA - EmpID:CB5426 OperNames:SISCO,
TARYN

21:03:14 -PRIU 48P

21:03:14 -PREMIS Comment:(none)

21:05:01 BACKUP 47P UnitID:48P EmpID:CB5383 OperNames:THOMPSON, MATTHEW

21:05:19 *ENRTE 47P

21:06:41 MISC 48P Comment:N3737650 [REDACTED] //C4035545 [REDACTED]

21:07:40 BACKOS 47E UnitID:48P EmpID:CB5416 OperNames:TORRES, MICHAEL

21:07:54 RFT 48P Comment:INQUIRY DL,X,[REDACTED],,,,,,,,,

21:07:59 RFT 48P Comment:INQUIRY DL,X,[REDACTED],,,,,,,,,

21:08:46 LOGM 48P Message:991303150408001856 Received:03/14/2013 21:08:00 Comment:SUSPENDED DL
[REDACTED] SRV NEEDED

21:08:47 *ONSCN 47P

21:09:22 LOGM 48P Message:991303150409001860 Received:03/14/2013 21:08:46 Comment:VALID DL
[REDACTED]

21:10:08 RFT 48P Comment:INQUIRY QW,,[REDACTED],,,,,,,,,

21:10:23 RFT 48P Comment:INQUIRY QW,,[REDACTED],,,,,,,,,

21:15:51 MISC 48P Comment:[REDACTED], 4TH FOR PC53

21:16:12 CODE 4 48P

21:18:17 CONTCT 47E

21:19:31 *1016* 48P

21:19:38 CONTCT 47P

21:24:27 MISC 47P Comment:WHI OVAL M523 10-325 ON OTHER SIDE

21:24:42 MISC 47P Comment:WHI ROUND WATSON 932

21:24:58 MISC 47P Comment:WHI ROUND M 15 SCORE ON OTHER SIDE

21:25:12 MISC 47P Comment:PURPLE ROUND M , 30 ON OTHER SIDE

21:26:49 MISC 47P Comment:WHI OVAL M523 : ACETAMINOPHEN & OXYCODONE
HYDROCHLORIDE ... NARCOTIC ANALGESIC COMBINATIONS ... SCHEDULE: 2 ...

21:28:23 MISC 47P Comment:WHI ROUND WATSON 932: ACETAMINOPHEN & OXYCODONE
HYDROCHLORIDE ... NARCOTIC ANALGESIC COMBINATION .. SHCEDULE 2

21:28:34 MISC 47E Comment:VICT OF CRIME : OXHAN, LESLIE D

21:30:15 MISC 48P Comment: [REDACTED] 4TH WAIVER, VALID DL
21:30:36 MISC 47P Comment:WHI ROUND M 15 SCORE ... CLONAZEPAM ... BENZODIAZEPINE
ANTICONVULSANTS BENZODIAZEPINES ... SCHEDULE: 4
21:30:58 MISC 48P Comment:[REDACTED], 4TH FOR PC530, NARC REG, 290 REG , SUSPENDE DL
W/SRV NEEDED
21:33:12 MISC 47P Comment:ROUND PURPLE M, 30 : MORPHINE SULFATE ... NARCOTIC ...
SCHEDULE 2
21:41:40 CONTCT 47E
21:47:31 CONTCT 47P
21:48:36 CASE 48P Case#:CB130001544
21:55:18 CONTCT 47E
21:56:45 *CLEAR 47E
21:57:49 CONTCT 47P
22:02:30 *CLEAR 47P
22:04:06 TRANSP 48P Location:1019 Mileage:33995.5 Comment:START BLOOD TECH
22:04:17 MISC 48P Comment:COOLIC IS THE 1016
22:04:50 MISC Comment:BLOODTECH TO CPD
22:08:25 MISC Comment:ETA 30 MINUTES...BLOOD TECH
22:09:33 MISC 48P Comment:ADV OF LAST
22:11:41 CMPLT 48P Mileage:999
22:43:24 CHANGE Location:LA COSTA/ECR FLIPPIN PIZZA --->7662 EL CAMINO REAL,CB RD:None-->119
Beat:None-->8 Map:None-->1147F25118C
22:43:25 -PREMIS Comment:(none)
23:09:50 TRANSP 48P Location:VDF, 325 MELROSE,VS Mileage:999
23:19:08 CMPLT 48P Mileage:005
23:46:14 *BRIEF 48P Comment [REDACTED] WAS ARRESTED AND BOOKED INTO VDF
FOR 23152(A)&(B) CVC, 11377(A)HS, 11357(A) HS, 11350(A) HS, 11364.1(A) HS, 11550(A)
HS.
23:46:22 *CLEAR 48P Dispo:RTF
23:46:22 -CLEAR
23:46:22 *CLOSE

9

Detailed History for Unit 48P Between 03/14/2013 00:00 And 03/14/2013 23:59 ☐ Detail

17:03:15 *LOGON EmpID:CB5426 Vehicle:237 OperNames:SISCO, TARYN MobileID:M:A237 Comment:CAR CKOK
17:03:15 *OPON Operators:CB5426 OperNames:SISCO, TARYN Comment:CAR CKOK
17:03:35 *OUT Location:BRIEFING Type:1019 Group:PD01 TypeDesc:At Station Priority:4 Agency:CBPD
17:03:42 -AVLCNT
17:32:11 *CLEAR Type:1019
18:02:36 *RFT Comment:INQUIRY MVEH, [REDACTED] PC,2006,
18:02:49 *RFT Comment:INQUIRY MVEH, [REDACTED] PC,2006,

18:08:36 DISP #130018011 Type:1182 CallLoc:RANCHO SANTA FE RD / CALLE BARCELONA,CB
18:08:36 -PRIU
18:08:39 *ENRTE
18:09:05 MISC Comment:WILL ADVISE
18:12:22 CLOS Location:RSF NORTH OF CAMINO ALVARO LocDesc:No location description LocCross:No location cross-streets
18:12:31 CHANGE Location:RANCHO SANTA FE RD / CAMINO ALVARO,CB Group:PD01 RD:121 Agency:CBPD Beat:8 Map:1147H34920A
18:17:52 MISC Plate:[REDACTED] Comment:.
18:17:58 MISC Plate:[REDACTED] Comment:.
18:18:13 MISC Comment:[REDACTED]
18:18:20 LOGM Message:991303150118000615 Received:03/14/2013 18:17:59 Comment:05 VOLKS
18:18:27 LOGM Message:991303150118000619 Received:03/14/2013 18:18:01 Comment:11 TOYT
18:20:14 LOGM Message:991303150120000655 Received:03/14/2013 18:19:56 Comment:VALID [REDACTED]
18:20:26 LOGM Message:991303150120000659 Received:03/14/2013 18:20:15 Comment:VALID [REDACTED]
18:27:50 *MISC Comment:P2 WAS TURNING IN THE TURNING LANE FROM RANCHO SANTA FE TO NORTHBOUND RANCHO SANTA FE. P1 WAS DRIVING STRAIGHT NORTHBOUNG ON RANCHO SANTA FE. P1 MERGED INTO THE FAR RIGHT LANE (MERGING LANE) STRIKING V2 IN TEH DRIVER SIDE DOOR.
18:27:58 *CLEAR Type:1182 Dispo:IO Comment:INFO EXCHANGE

18:35:15 *RFT Comment:INQUIRY MVEH, [REDACTED] PC,2006,

18:43:19 DISP #130018017 Type:23103 CallLoc:RANCHO SANTA FE RD / AVENIDA LA CIMA,CB
18:43:19 -PRIU
18:43:22 *ENRTE
18:45:23 *ONSCN
18:45:55 LOGM Message:991303150145000807 Received:03/14/2013 18:45:40 Comment:CORRECT PLT ---
18:46:19 CLEAR Type:23103 Dispo:GOA Comment:INFO RELAYED TO SDSO

18:51:23 *RFT Comment:INQUIRY MVEH, [REDACTED] PC,2006,

18:54:26 DISPOS #130018022 Type:DETAIL Location:DETAIL
18:54:26 -PRIU
18:54:29 CHGLOC
19:04:49 *ONSCN
19:04:51 *ONSCN
19:05:42 *CLEAR Type:DETAIL

19:07:56 *RFT Comment:INQUIRY MVEH, [REDACTED] PC,2006,

19:08:19 *RFT Comment:INQUIRY MVEH [REDACTED],PC,2006,
19:08:35 *RFT Comment:INQUIRY MVEH [REDACTED],PC,2006,
19:10:39 *RFT Comment:INQUIRY MVEH [REDACTED],PC,2006,
19:11:57 *RFT Comment:INQUIRY MVEH [REDACTED],PC,2006,
19:13:26 *RFT Comment:INQUIRY MVEH, [REDACTED] PC,2006,
19:17:20 *RFT Comment:INQUIRY MVEH [REDACTED] PC,2006,
19:17:42 *RFT Comment:INQUIRY MVEH [REDACTED],PC,2006,
19:19:27 *RFT Comment:INQUIRY MVEH [REDACTED],PC,2006,
19:21:15 *RFT Comment:INQUIRY MVEH [REDACTED] PC,2006,
19:23:57 *RFT Comment:INQUIRY MVEH [REDACTED],PC,2006,
19:25:51 *RFT Comment:INQUIRY MVEH [REDACTED],PC,2006,
19:29:38 *RFT Comment:INQUIRY MVEH [REDACTED],PC,2006,
19:32:21 *RFT Comment:INQUIRY MVEH [REDACTED] PC,2006,
19:38:56 *RFT Comment:INQUIRY MVEH [REDACTED] PC,2006,
19:41:23 *RFT Comment:INQUIRY MVEH [REDACTED],PC,2006,
19:43:03 *RFT Comment:INQUIRY MVEH [REDACTED],PC,2006,
19:43:46 *RFT Comment:INQUIRY MVEH [REDACTED] PC,2006,

19:46:49 *DISPOS #130018037 Type:EXTRAP Location:SOMBROSA ST

19:46:49 -PRIU

19:53:43 *CLEAR Type:EXTRAP

20:01:34 *RFT Comment:INQUIRY MVEH, [REDACTED] PC,2006,

20:03:47 BACKUP #130018039 UnitID:47P Type:FOURTH CallLoc:1754 BLACKBIRD CR,CB

20:04:31 DISPOS #130018041 Type:1151 Location:AVAIRA/POST OFFICE

20:04:31 -PRIU

20:04:31 PRMPT #130018039 Comment:Preempted and dispatched to call #130018041

20:04:38 CHANGE #130018041 Location:POST OFFICE,CB Group:PD01 RD:92 Agency:CBPD Beat:7
Map:1127E65218C

20:05:33 MISC Comment: [REDACTED]

20:05:50 RFT Comment:INQUIRY DL [REDACTED] ???????

20:05:57 RFT Comment:INQUIRY DL [REDACTED] ???????

20:06:02 RFT Comment:INQUIRY DL [REDACTED] ???????

20:06:20 LOGM Message:991303150306001259 Received:03/14/2013 20:06:03 Comment:VALID DL [REDACTED]

20:06:38 LOGM Message:991303150306001262 Received:03/14/2013 20:06:05 Comment:VALID DL [REDACTED]

20:06:54 LOGM Message:991303150306001263 Received:03/14/2013 20:06:06 Comment:VALID DL [REDACTED]

20:07:14 RFT Comment:INQUIRY QW, [REDACTED] ???????????

20:07:36 RFT Comment:INQUIRY QW, [REDACTED] ???????????

20:10:46 MISC Comment:1129 NEG 4TH VALID DL X 3

20:10:57 MISC Comment: [REDACTED] HAS ONE PRIOR FOR HS11358

20:11:12 CODE 4

20:11:17 *CLEAR Type:1151 Dispo:FI Comment:3

20:15:59 DISP #130018045 Type:1130 CallLoc:7336 CADENCIA ST,CB

20:15:59 -PRIU

20:16:06 *ENRTE

20:16:07 *ENRTE

20:26:07 *ONSCN
20:35:34 CODE 4
20:43:54 CODE 4
20:47:16 *CLEAR Type:1130 Dispo:CKOK Comment:DIDNT KNOW PHONE CALLED 911

20:53:35 *RFT Comment:INQUIRY MVEH, [REDACTED] PC,2006,
21:01:36 *RFT Comment:INQUIRY MVEH, [REDACTED] PC,2006,

21:03:14 DISPOS #130018061 Type:T Location:LA COSTA/ECR FLIPPIN PIZZA - Plate:[REDACTED]
21:03:14 -PRIU
21:06:41 MISC Comment:[REDACTED]
21:07:54 RFT Comment:INQUIRY DL,X, [REDACTED] ,,,,,,
21:07:59 RFT Comment:INQUIRY DL,X, [REDACTED] ,,,,,,
21:08:46 LOGM Message:991303150408001856 Received:03/14/2013 21:08:00 Comment:SUSPENDE DL
[REDACTED] SRV NEEDED
21:09:22 LOGM Message:991303150409001860 Received:03/14/2013 21:08:46 Comment:VALID DL [REDACTED]
[REDACTED]

21:10:08 RFT Comment:INQUIRY QW,, [REDACTED] ,,,,,,,,,,
21:10:23 RFT Comment:INQUIRY QW,, [REDACTED] ,
21:15:51 MISC Comment:[REDACTED] 4TH FOR PC53
21:16:12 CODE 4
21:19:31 *1016*
21:30:15 MISC Comment:[REDACTED] 4TH WAIVER, VALID DL
21:30:58 MISC Comment:[REDACTED] 4TH FOR PC530, NARC REG, 290 REG , SUSPENDE DL W/SRV
NEEDED

21:48:36 CASE Case#:CB130001544
22:04:06 TRANSP Location:1019 LocDesc:No location description LocCross:No location cross-streets
Mileage:33995.5 Comment:START BLOOD TECH
22:04:17 MISC Comment:COOLIC IS THE 1016
22:09:33 MISC Comment:ADV OF LAST
22:11:41 CMPLT Mileage:999
23:09:50 TRANSP Location:VDF, 325 MELROSE,VS LocDesc:at 0 COUNTY COMPLEX,VS LocCross:btwn
MELROSE DR and DEAD END Mileage:999
23:19:08 CMPLT Mileage:005
23:46:14 *BRIEF Comment:[REDACTED] WAS ARRESTED AND BOOKED INTO VDF FOR
23152(A)&(B) CVC, 11377(A)HS, 11357(A) HS, 11350(A) HS, 11364.1(A) HS, 11550(A) HS.
23:46:22 *CLEAR Type:T Dispo:RTF

23:47:37 OUT Location:CPD/BOOK EVIDENCE Type:1019 Group:PD01 TypeDesc:At Station Priority:4
Agency:CBPD
23:47:39 CHGLOC
23:54:46 *ONSCN

10

Mickey Williams

From: Jason Jackowski
Sent: Tuesday, April 16, 2013 3:35 PM
To: Mickey Williams
Subject: FW: eSUN journal search request
Attachments: 040913. [REDACTED].xlsx; ATT00001.htm

Here's the audit back from the first subject.

From: Maria Callander
Sent: Wednesday, April 10, 2013 3:29 PM
To: Jason Jackowski
Subject: Fwd: eSUN journal search request

Here is your audit. Let me know if you have any questions.

Sent from my iPad

Begin forwarded message:

From: "O'Leary, Jessica (Hahn)" <Jessica.O'Leary@sdsheriff.org>
To: "Maria Callander" <Maria.Callander@carlsbadca.gov>
Subject: FW: eSUN journal search request

Attached results for your audit, thanks!

Jessica

Jessica O'Leary, ACC
San Diego Sheriff's
Communications Center
858.565.3309 desk
858.715.6762 fax
Jessica.O'Leary@sdsheriff.org

Search Criteria

Name like
DOB
LIC

(esUNNWeb)

From Date 3/1/2013 00:00:00
To Date 3/20/2013 23:59:59

(County/Locals)

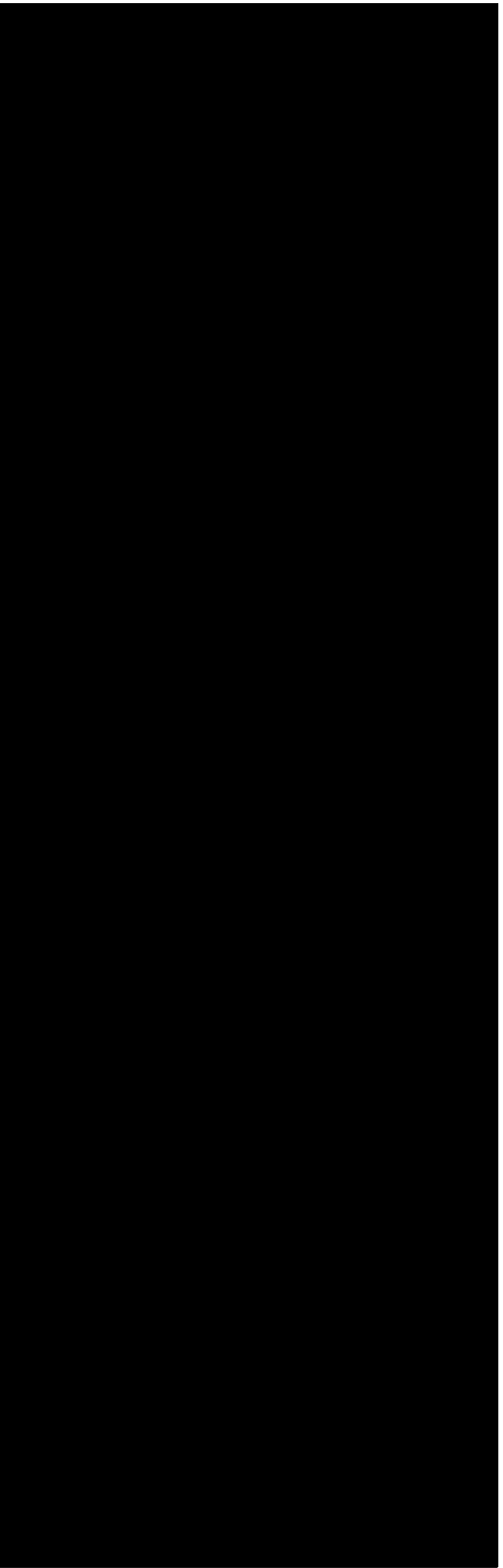
From Date 3/1/2013 00:00:00
To Date 3/20/2013 23:59:59


(SDLaw)

From Date 3/1/2013 00:00:00
To Date 3/20/2013 23:59:59

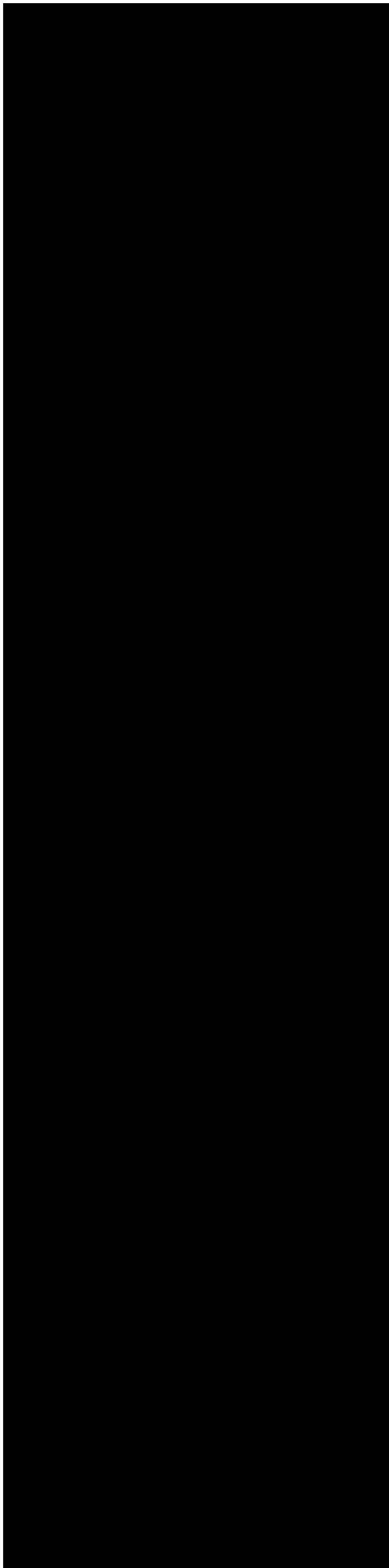
Notes:

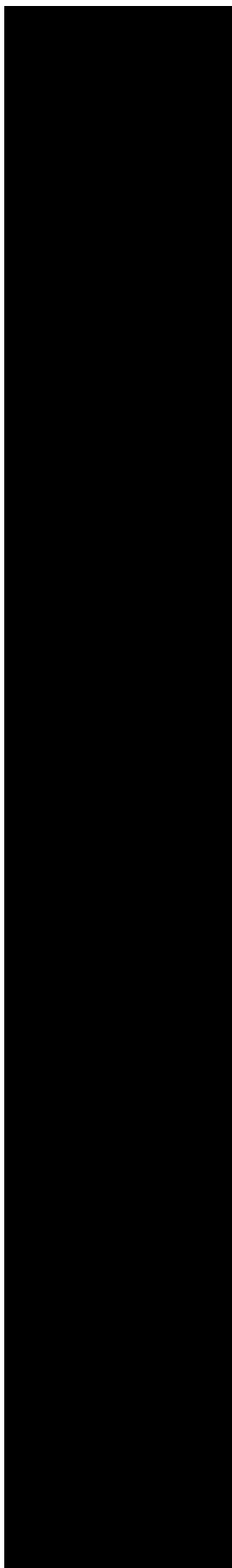
Approx Hours: 1

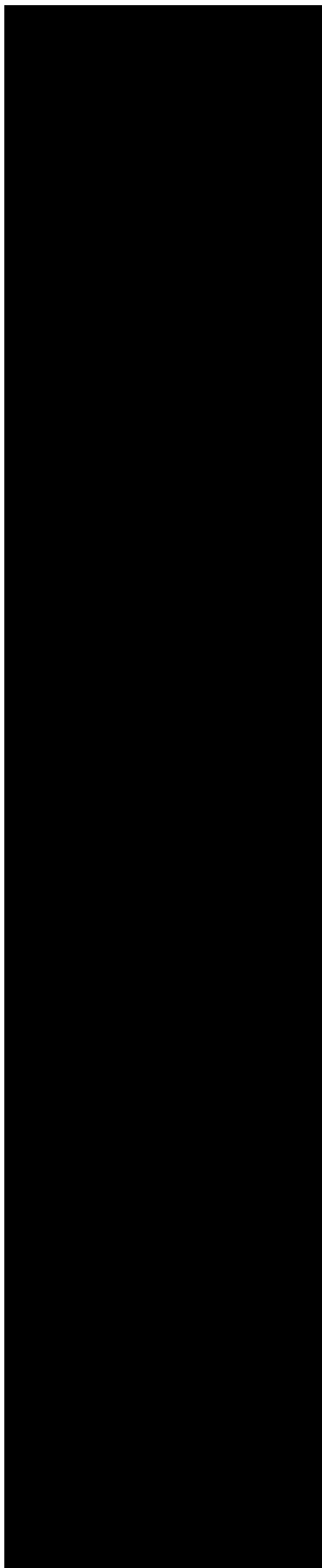




[REDACTED]	
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11

Mickey Williams

From: O'Leary, Jessica (Hahn) <Jessica.O'Leary@sdsheriff.org>
Sent: Wednesday, April 17, 2013 11:36 AM
To: Mickey Williams
Subject: RE: ESUN journal search request
Attachments: Copy of 041713 CLBDDPD.xlsx

Good Morning,

See attached. Let me know if you have any questions, thanks!

Jessica

Jessica O'Leary, ACC
San Diego Sheriff's
Communications Center
858.565.3309 desk
858.715.6762 fax
Jessica.O'Leary@sdsheriff.org

From: Mickey Williams [<mailto:Mickey.Williams@carlsbadca.gov>]
Sent: Tuesday, April 16, 2013 3:53 PM
To: O'Leary, Jessica (Hahn)
Subject: ESUN journal search request

Hello Jessica,

Please see the attached request. Thank you very much for your assistance. If there are any questions my cell is [REDACTED]
[REDACTED] Thank You



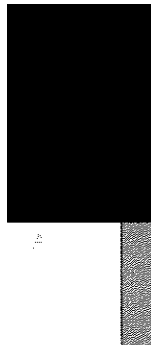
CARLSBAD
Police Department

Mickey Williams
Sergeant
Carlsbad Police Department
Professional Standards and Services Division
2560 Orion Way
Carlsbad, CA 92010

P: 760-931-2178
F: 760-931-8473
mickey.williams@carlsbadca.gov

Search Criteria

Name like
DOB
CDL
LIC



(eSUNWeb)

From Date 3/1/2013 00:00:00
To Date 3/20/2013 23:59:59

(CountyLocals)

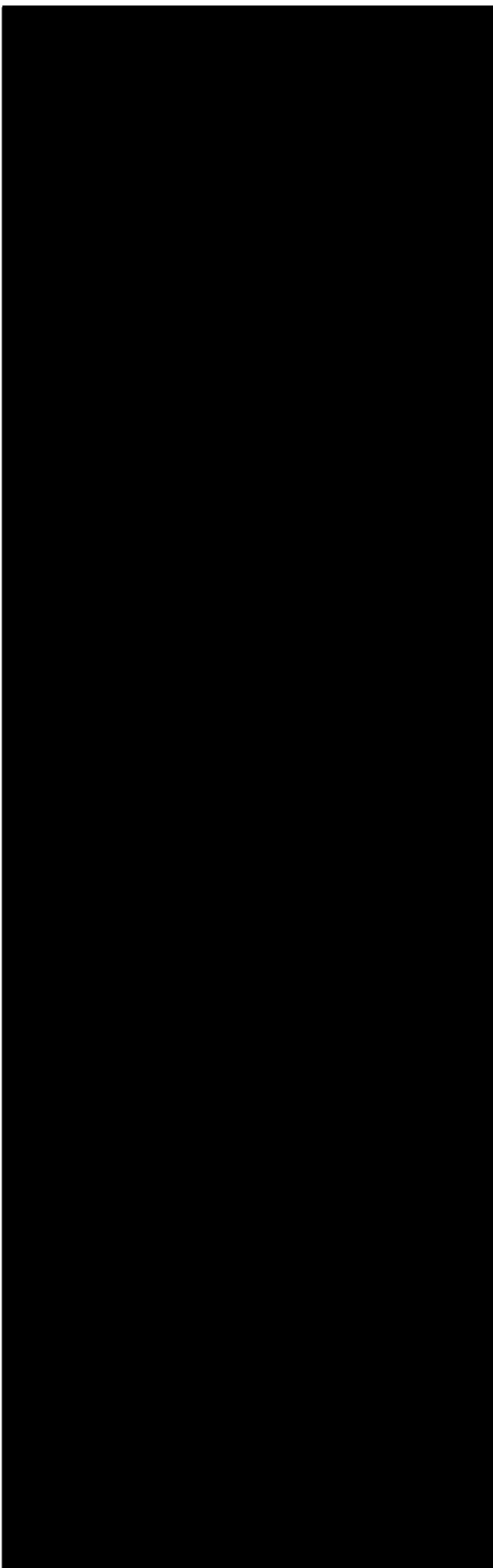
From Date 3/1/2013 00:00:00
To Date 3/20/2013 23:59:59

(SDLaw)

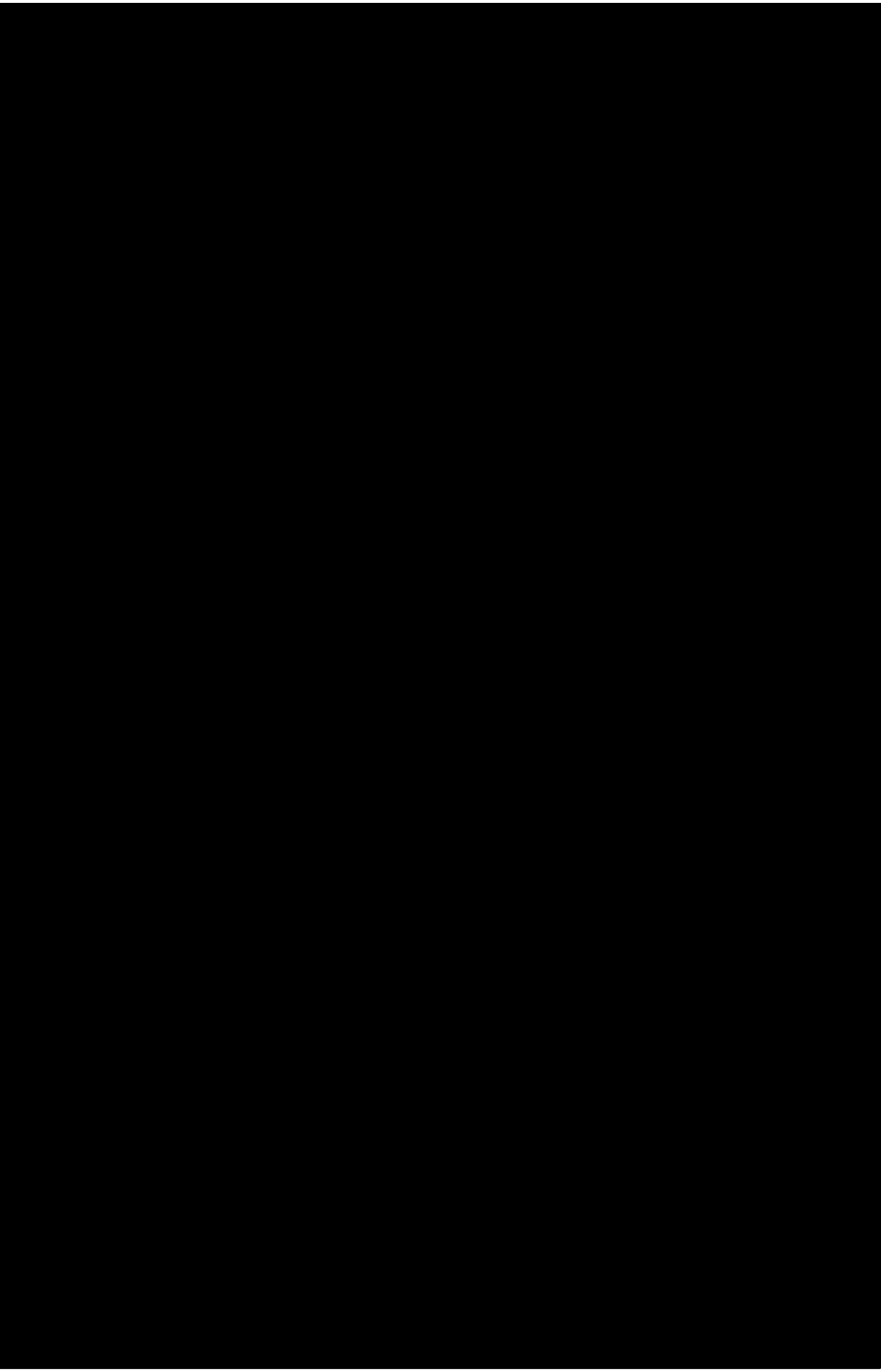
From Date 3/1/2013 00:00:00
To Date 3/20/2013 23:59:59

Notes:

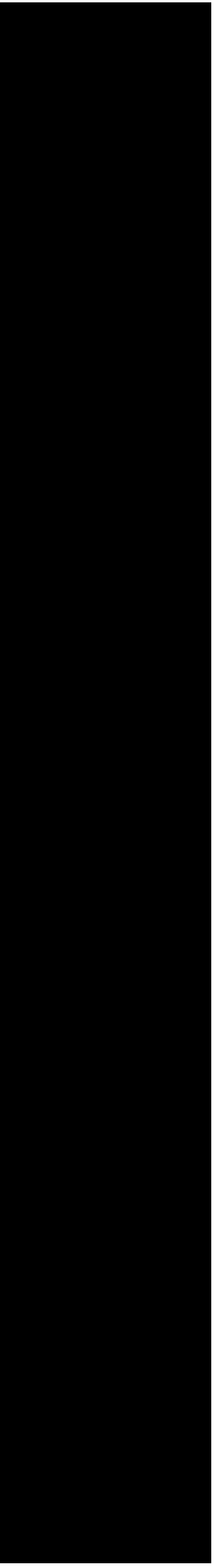
Approx Hours: 1

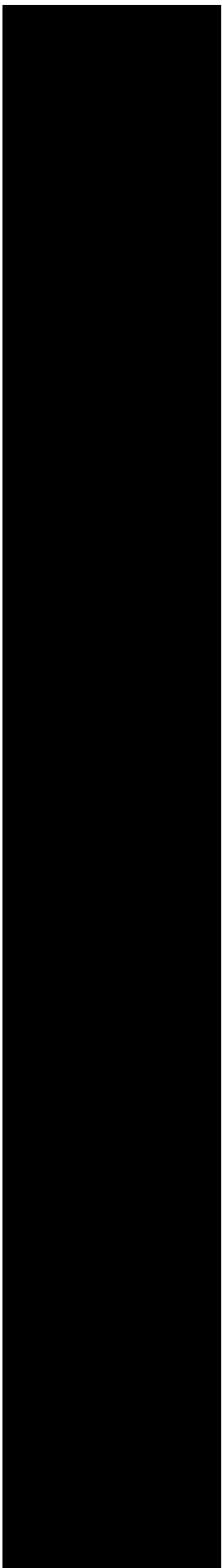


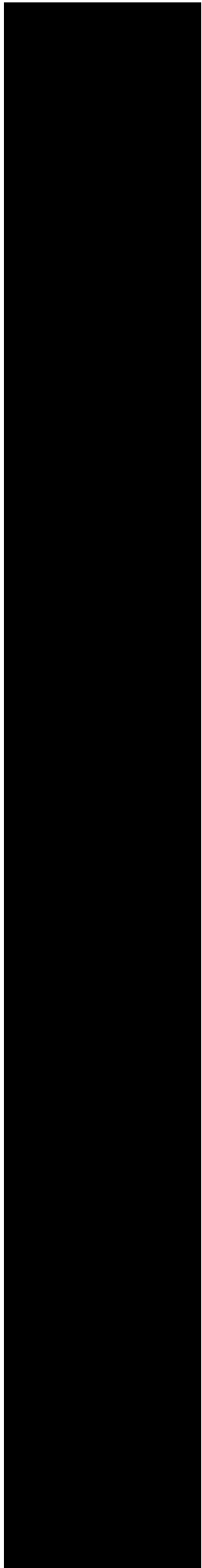
[REDACTED]	
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12

Mickey Williams

From: Saulpaugh, Chris <Chris.Saulpaugh@sdsheriff.org>
Sent: Tuesday, April 23, 2013 10:41 AM
To: Mickey Williams
Cc: O'Leary, Jessica (Hahn)
Subject: Audit Results
Attachments: 042313.████████5221.zip; 042313.████████All.zip

Hi SGT Williams,

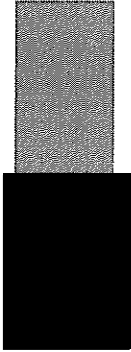
Results attached in 2 zip files. Let me know if you have problems with these zips.

Cheers,

Chris Saulpaugh
eSUN Infrastructure Engineer
(858) 505-6613 (desk)
(858) 602-8417 (cell)

Search Criteria

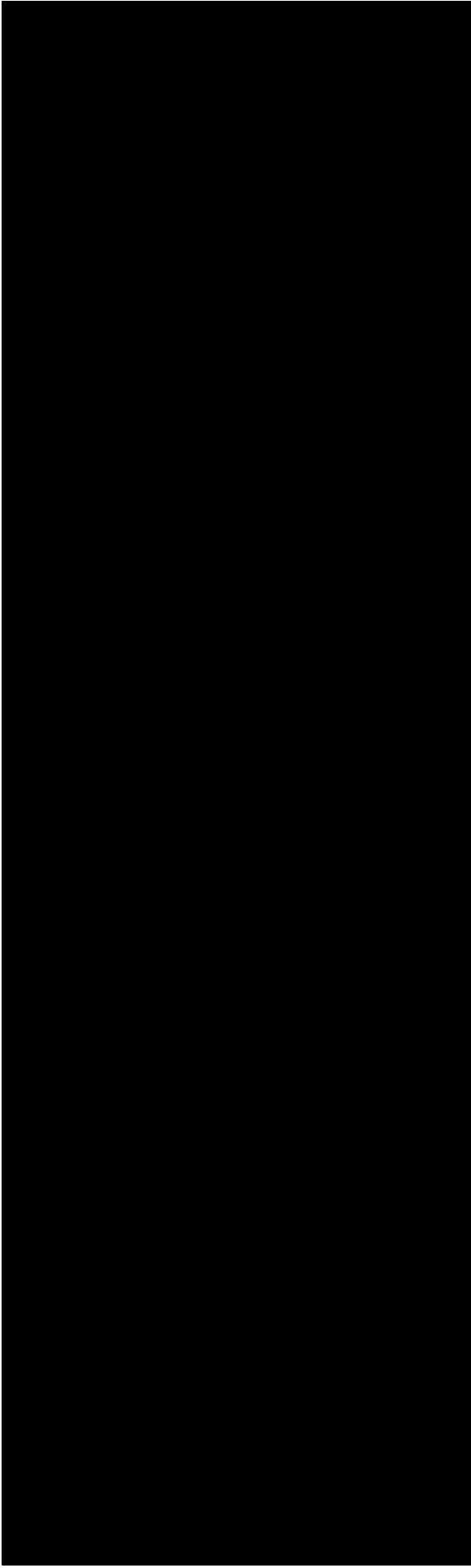
Name like
DOB
User ID



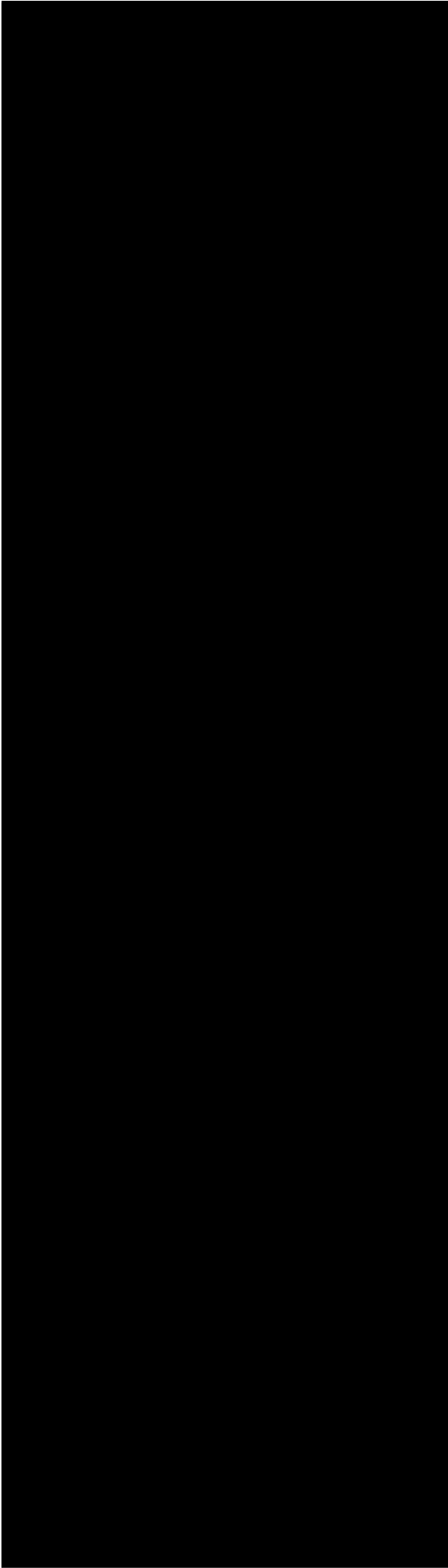
(eSUNWeb)
From Date 4/22/2013 00:00:00
To Date 4/22/2013 23:59:59
(CountyLocals)
From Date 4/22/2013 00:00:00
To Date 4/22/2013 23:59:59
(SDLaw)
From Date 4/22/2013 00:00:00
To Date 4/22/2013 23:59:59

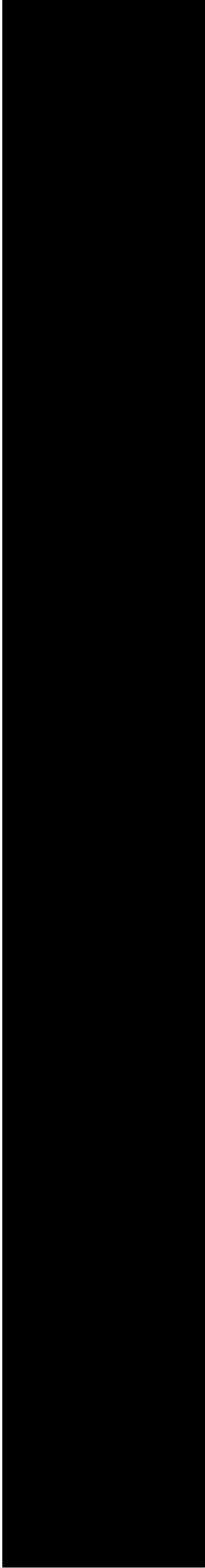
Notes:

Approx Hours: 1













13

Mickey Williams

From: Saulpaugh, Chris <Chris.Saulpaugh@sdsheriff.org>
Sent: Tuesday, April 23, 2013 10:41 AM
To: Mickey Williams
Cc: O'Leary, Jessica (Hahn)
Subject: Audit Results
Attachments: 042313.████████.5221.zip; 042313.████████.All.zip

Hi SGT Williams,

Results attached in 2 zip files. Let me know if you have problems with these zips.

Cheers,

Chris Saulpaugh
eSUN Infrastructure Engineer
(858) 505-6613 (desk)
(858) 602-8417 (cell)

Search Criteria

Name like
DOB
CDL
LIC

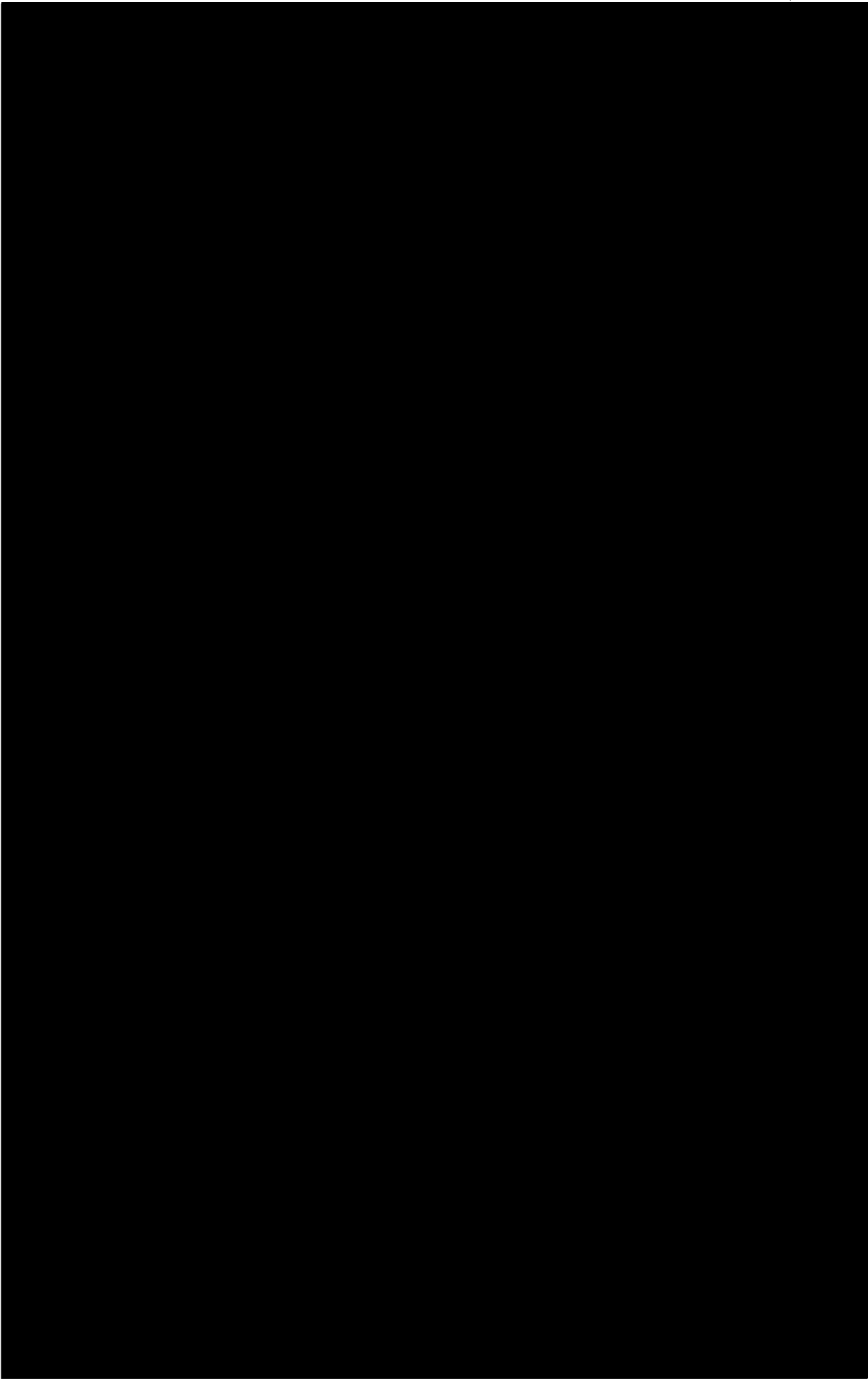
[REDACTED]

(eSUNWeb)
From Date 3/14/2013 00:00:00
To Date 3/14/2013 23:59:59
(CountyLocals)
From Date 3/14/2013 00:00:00
To Date 3/14/2013 23:59:59
(SDLaw)
From Date 3/14/2013 00:00:00
To Date 3/14/2013 23:59:59

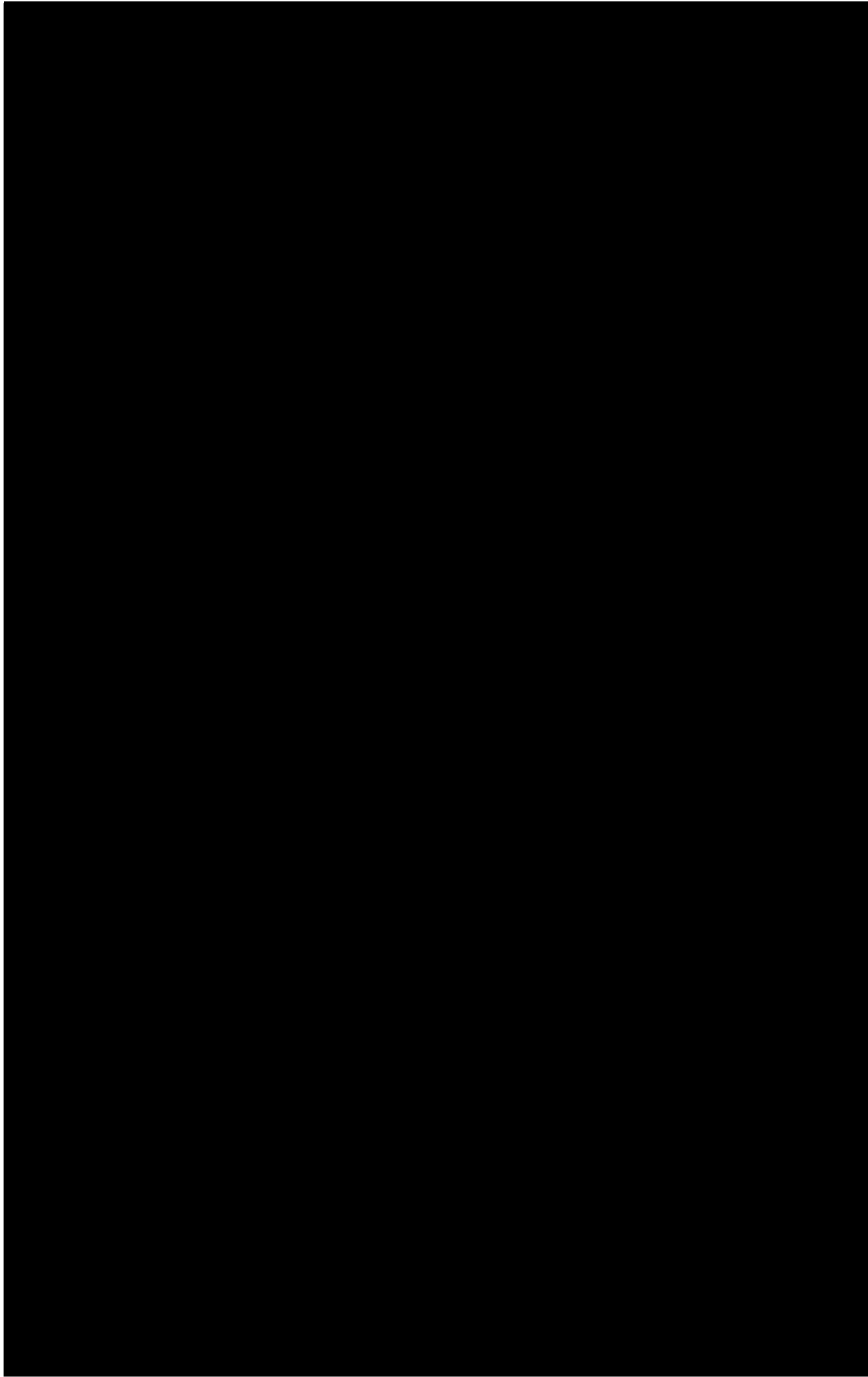
Notes: Any Carlsbad User ID

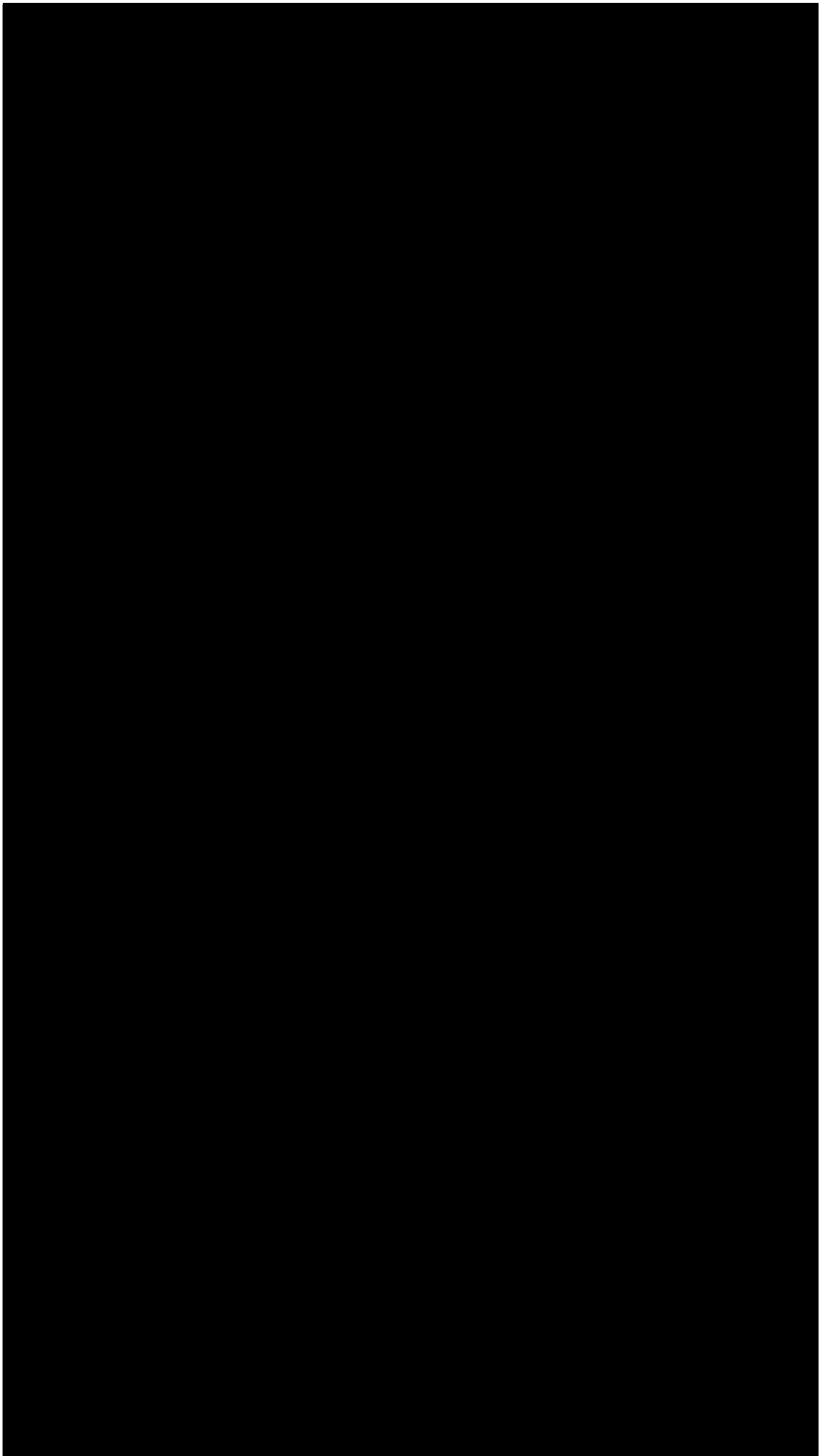
Approx Hours: 1

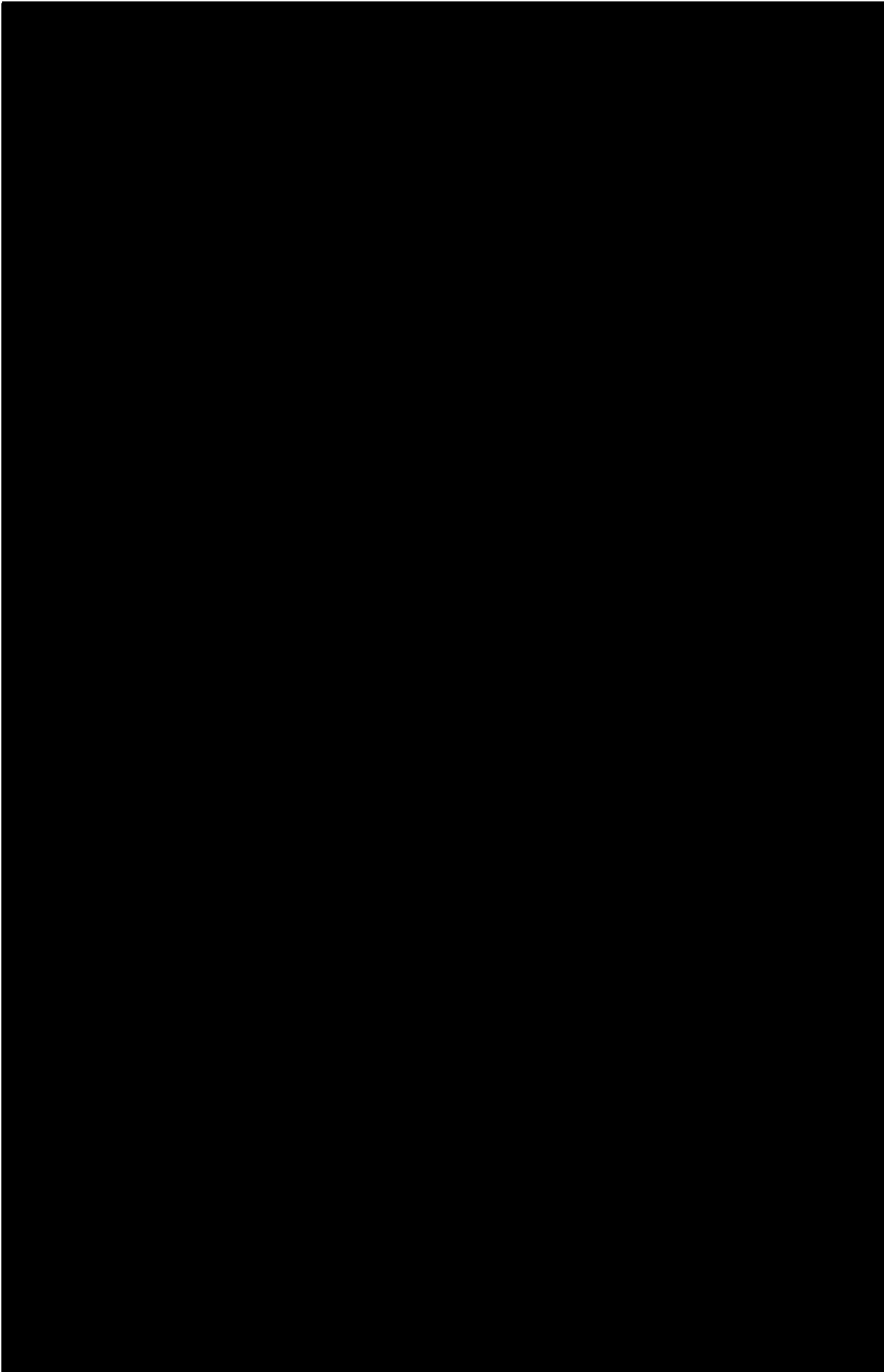
[REDACTED]	
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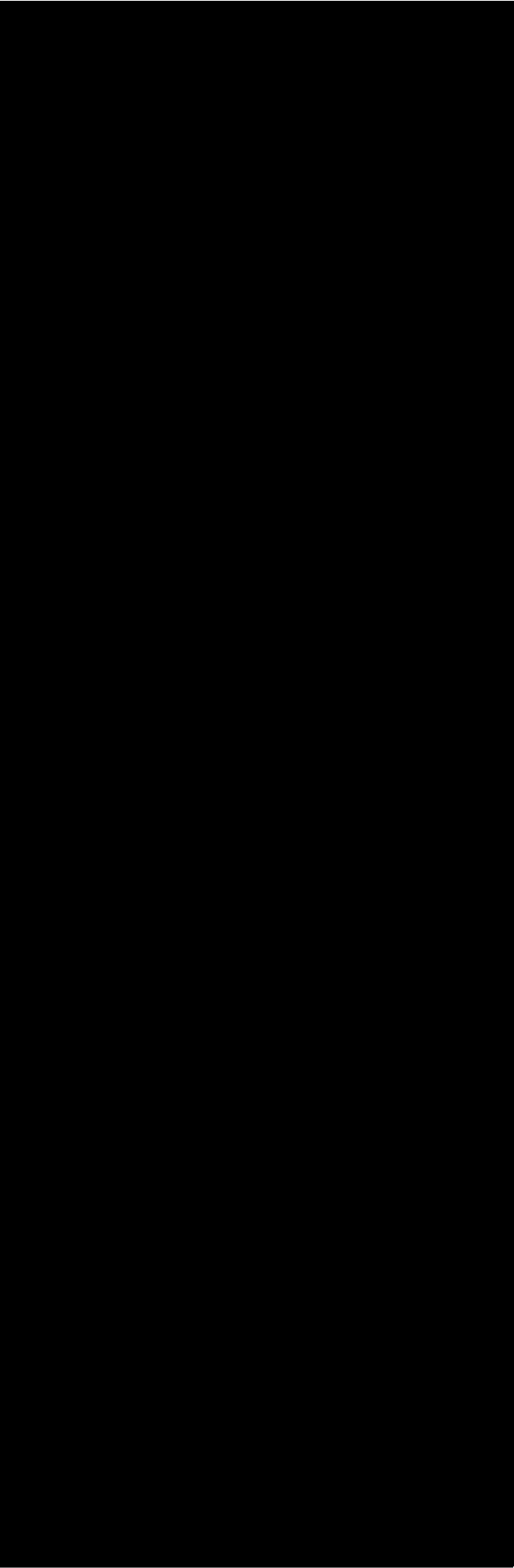


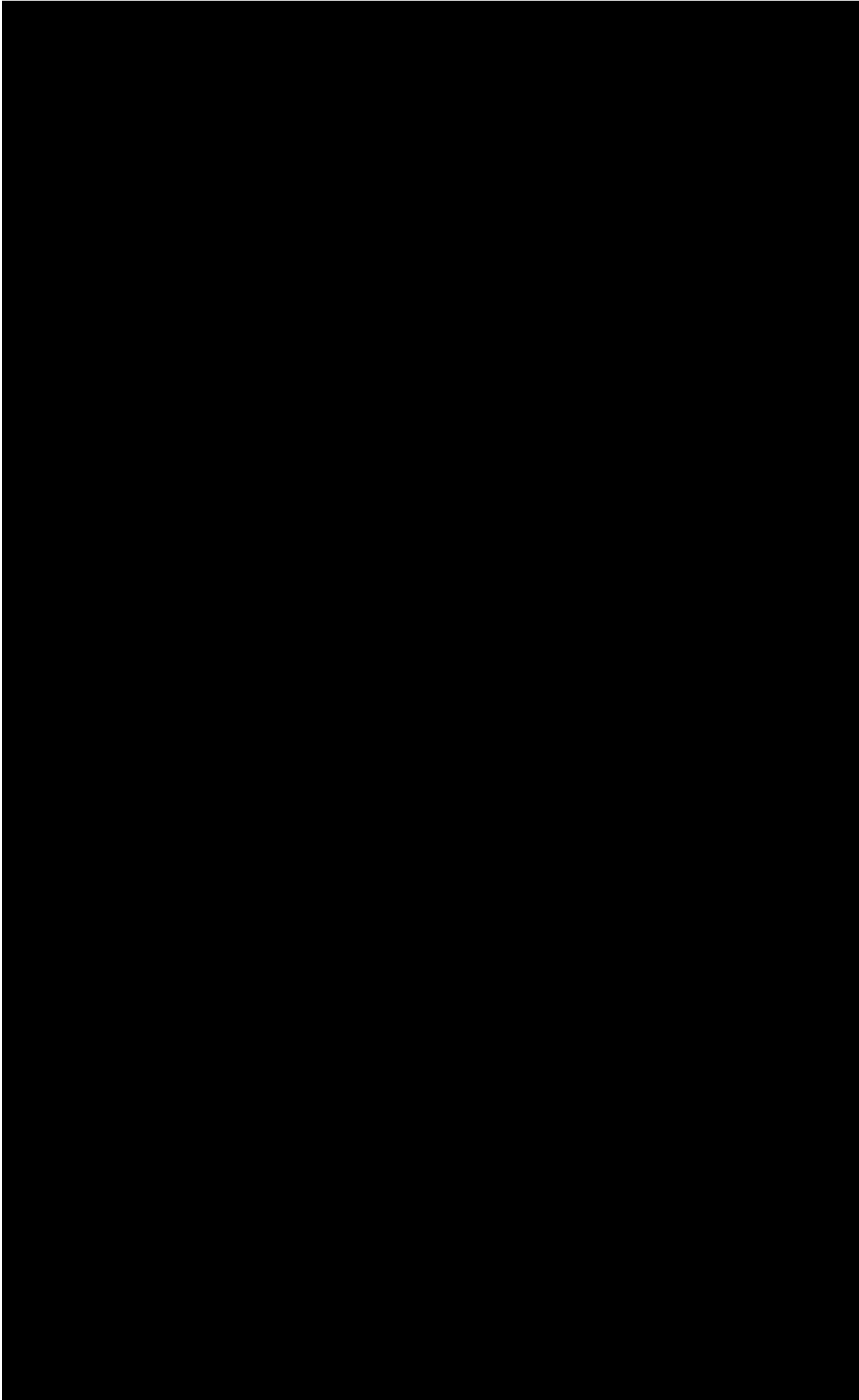


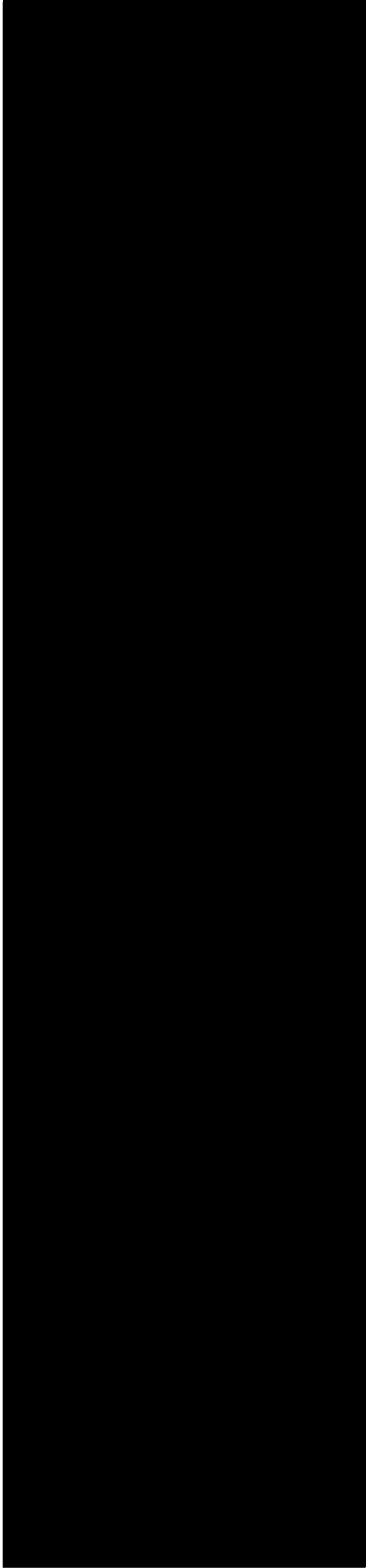


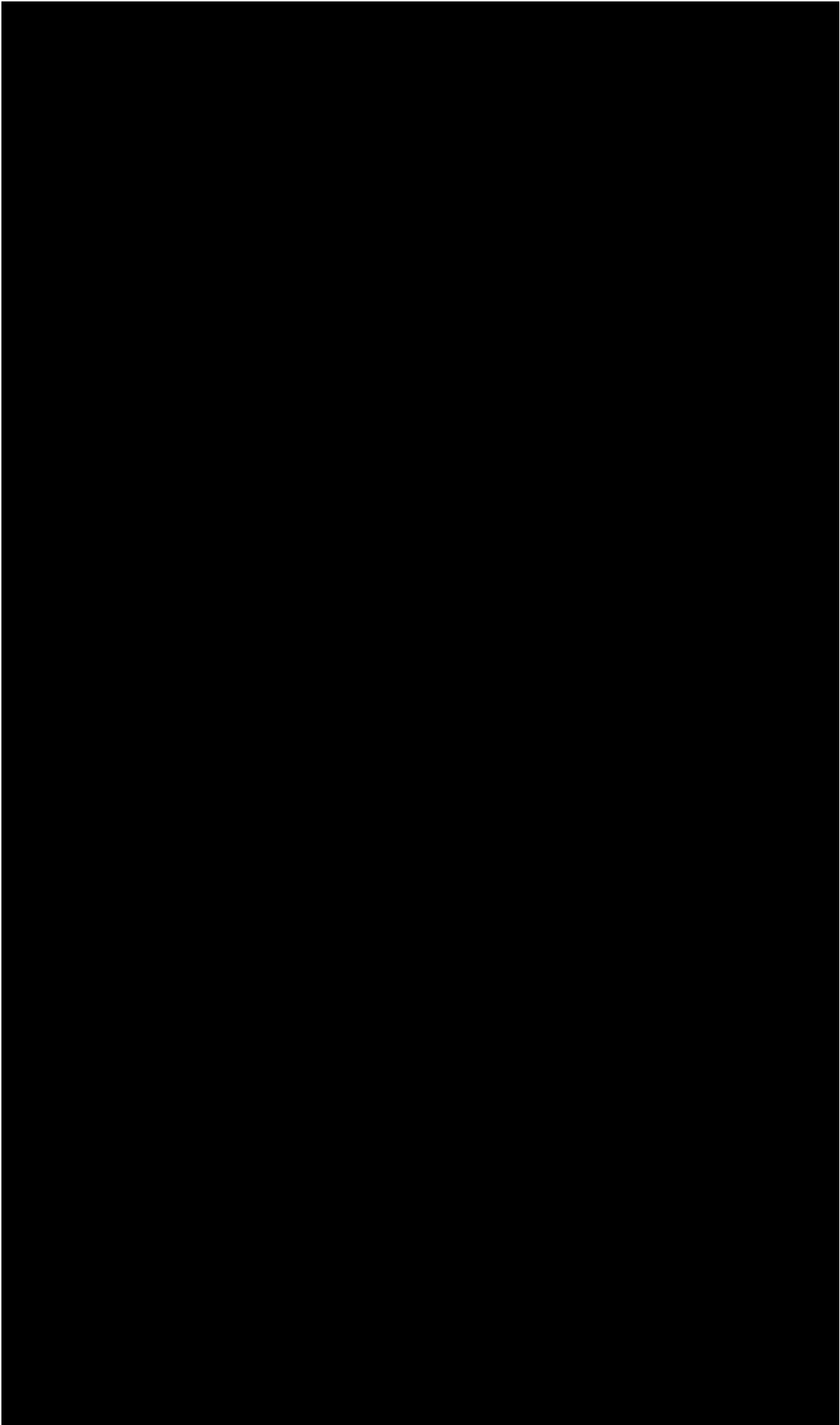


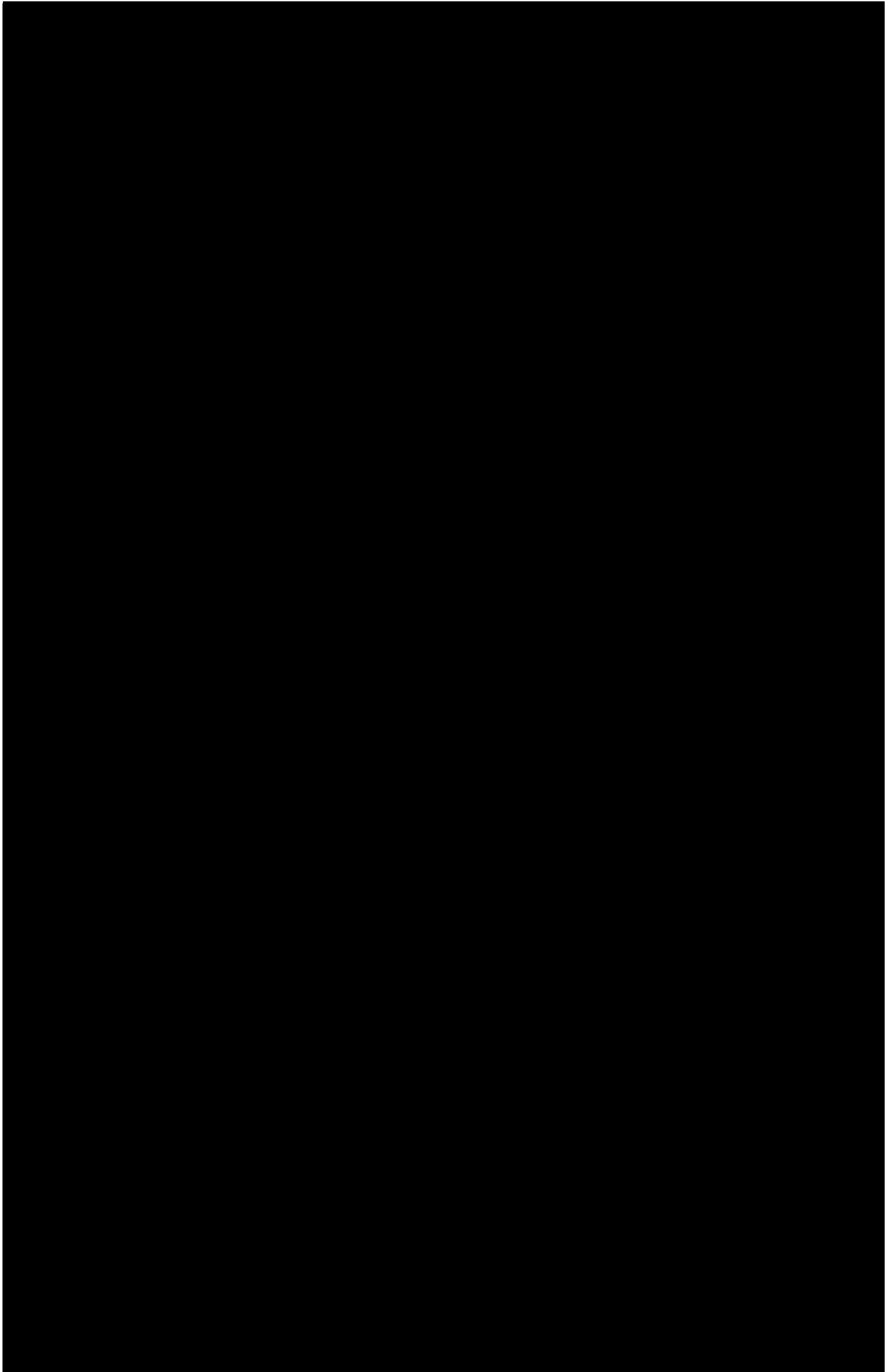


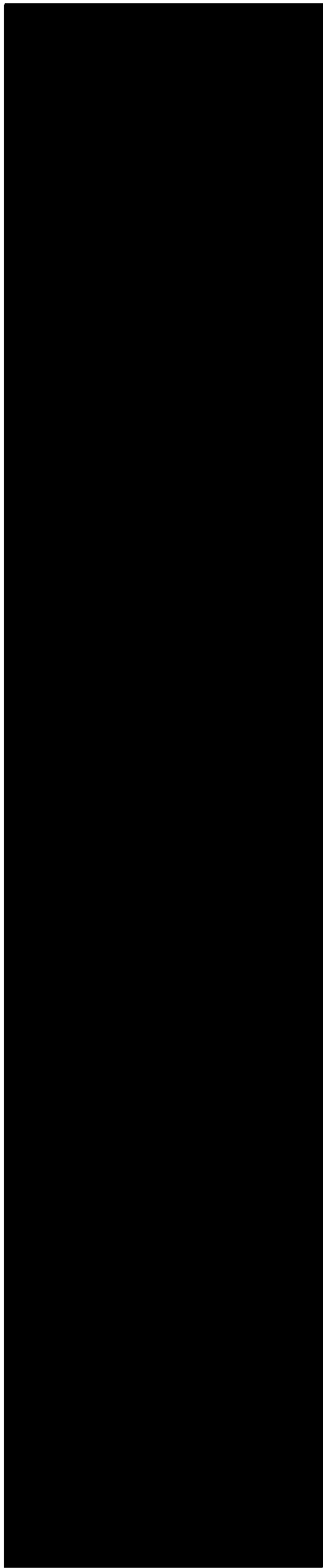


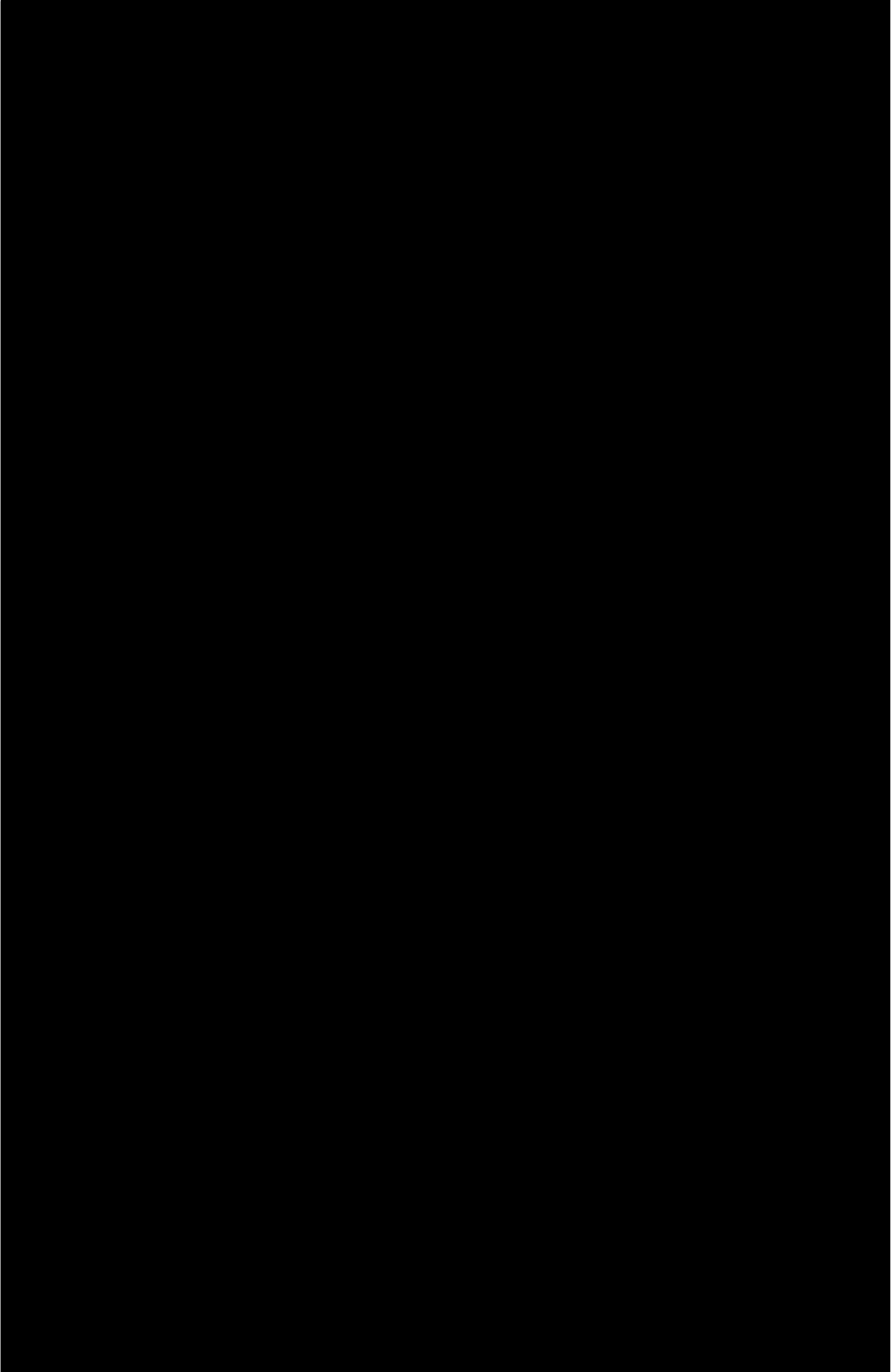


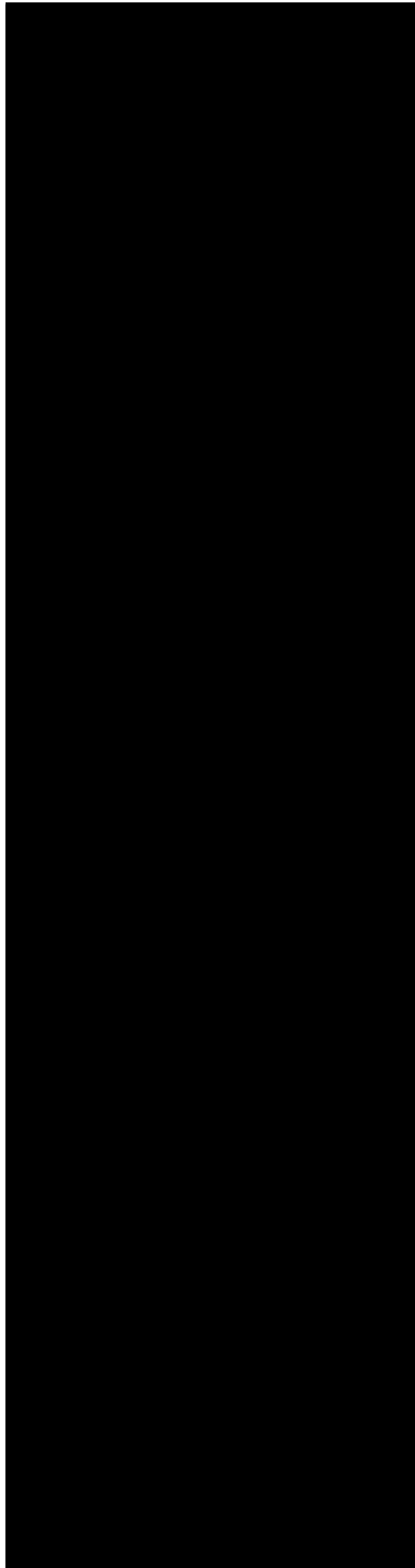


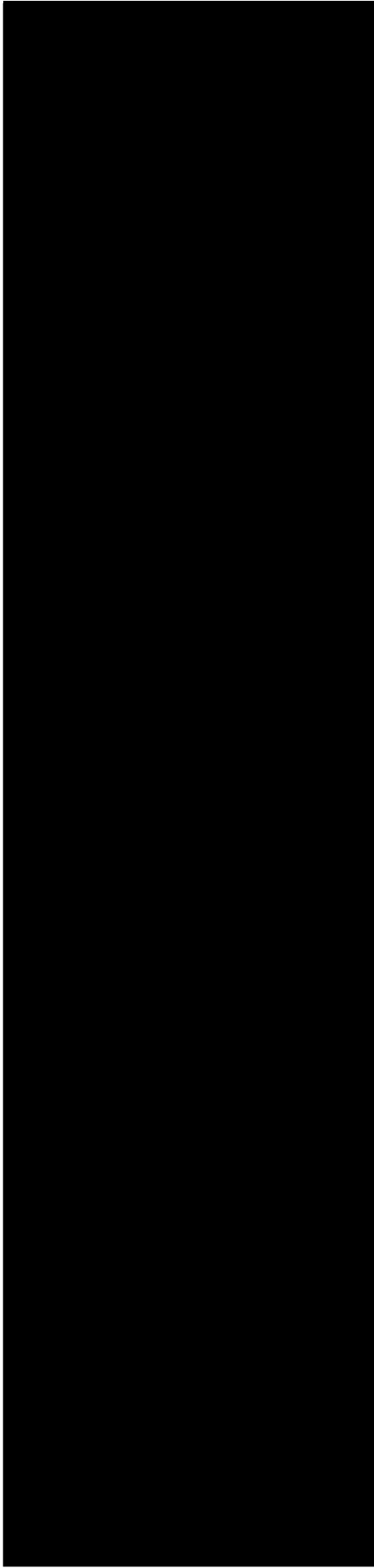


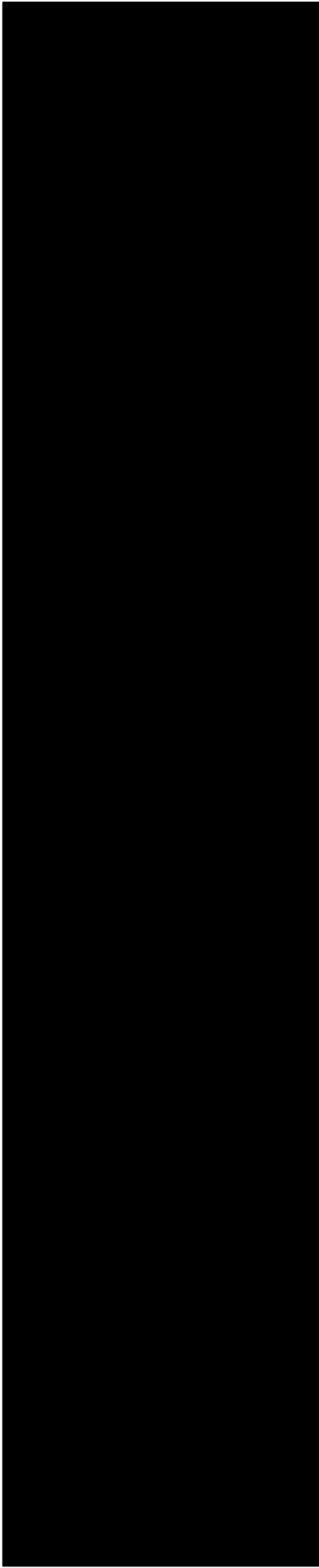












14

Mickey Williams

From: O'Leary, Jessica (Hahn) <Jessica.O'Leary@sdsheriff.org>
Sent: Wednesday, April 24, 2013 2:18 PM
To: Mickey Williams
Subject: FW: Audit Results
Attachments: 042413. [REDACTED].zip

Results attached, thanks!

Jessica

-----Original Message-----

From: Mickey Williams [<mailto:Mickey.Williams@carlsbadca.gov>]
Sent: Wednesday, April 24, 2013 8:40 AM
To: O'Leary, Jessica (Hahn)
Cc: Saulpaugh, Chris
Subject: RE: Audit Results

Jessica and Chris,
I apologize but I have one more search request for this case we have been working on.

What I was hoping to search is:

All County mainframe searches (that would access fourth waiver probation status info) by any Carlsbad PD employee for [REDACTED] between 6-1-12 and 3-14-13. Please let me know if there are any problems or questions.
Thanks Mickey (cell 760-450-4539)

Mickey Williams
Sergeant
Carlsbad Police Department
Professional Standards and Services Divison
2560 Orion Way
Carlsbad, CA 92010

P: 760-931-2178
F: 760-931-8473
mickey.williams@carlsbadca.gov

-----Original Message-----

From: O'Leary, Jessica (Hahn) [<mailto:Jessica.O'Leary@sdsheriff.org>]
Sent: Tuesday, April 23, 2013 11:12 AM
To: Saulpaugh, Chris; Mickey Williams
Subject: Re: Audit Results

Thanks Chris!

----- Original Message -----

From: Saulpaugh, Chris

Sent: Tuesday, April 23, 2013 10:41 AM

To: 'Mickey.Williams@carlsbadca.gov' <Mickey.Williams@carlsbadca.gov>

Cc: O'Leary, Jessica (Hahn)

Subject: Audit Results

Hi SGT Williams,

Results attached in 2 zip files. Let me know if you have problems with these zips.

Cheers,

Chris Saulpaugh

eSUN Infrastructure Engineer

(858) 505-6613 (desk)

(858) 602-8417 (cell)

Search Criteria

Name like
DOB

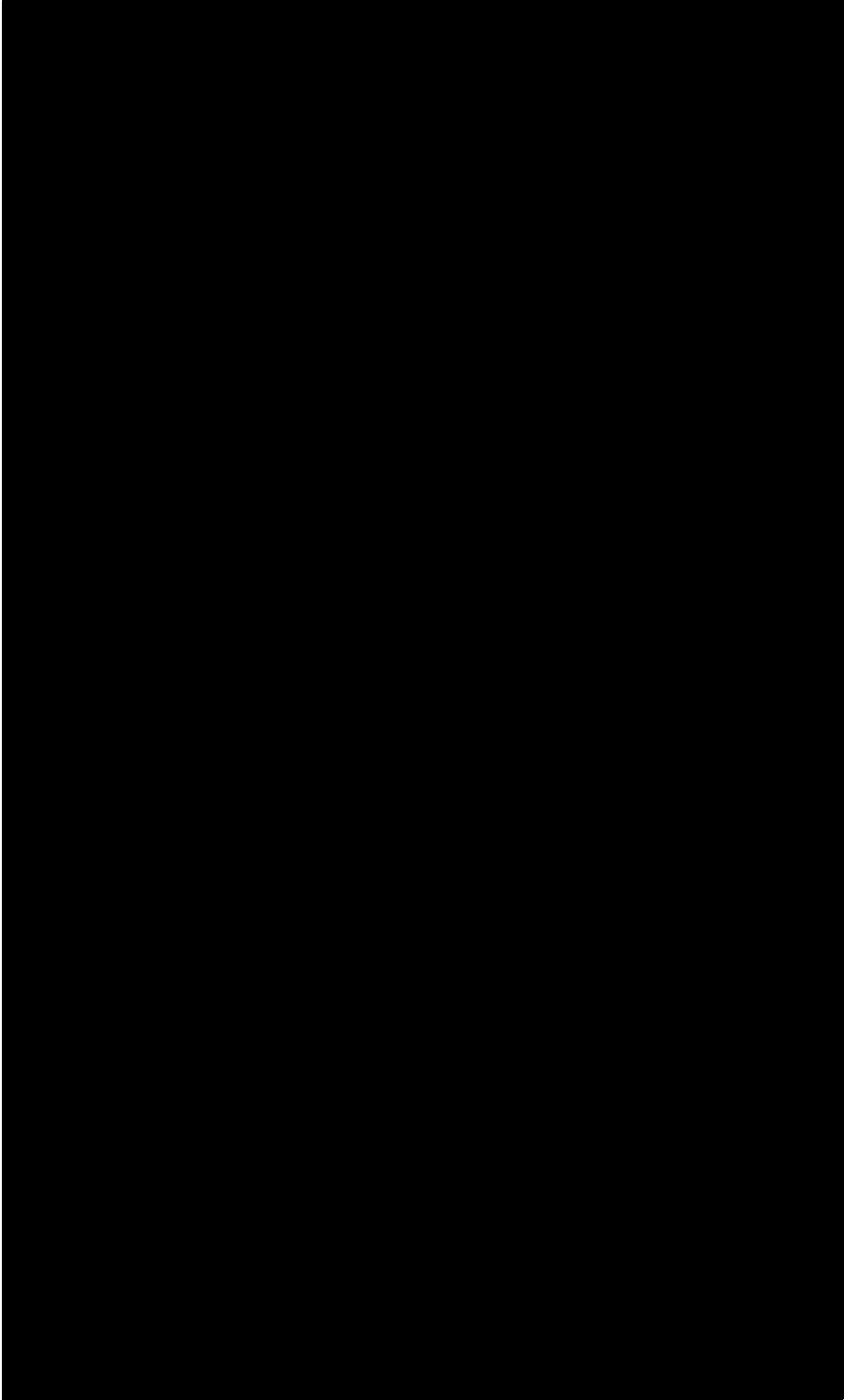


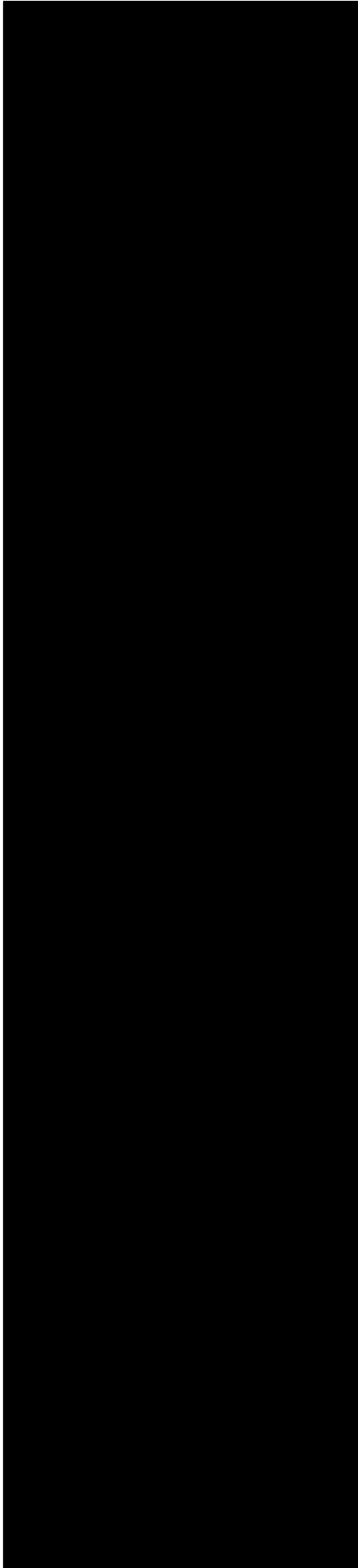
(County Locals)

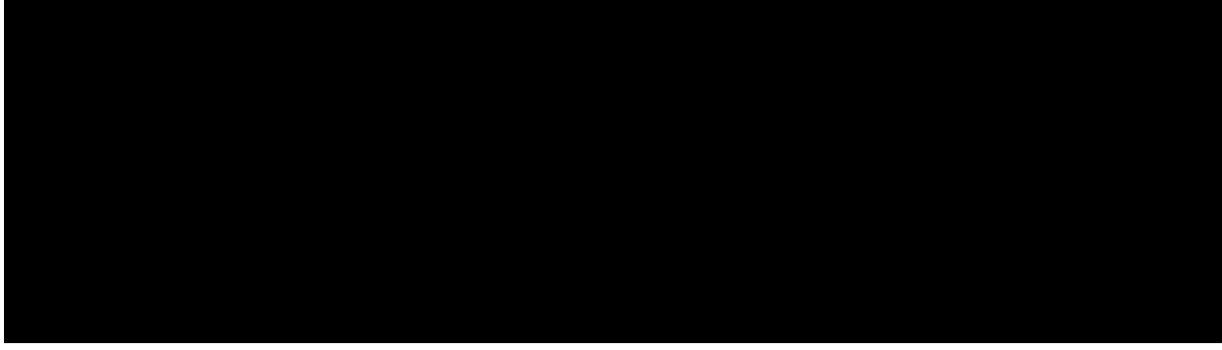
From Date 6/1/2012 00:00:00
To Date 3/14/2013 23:59:59

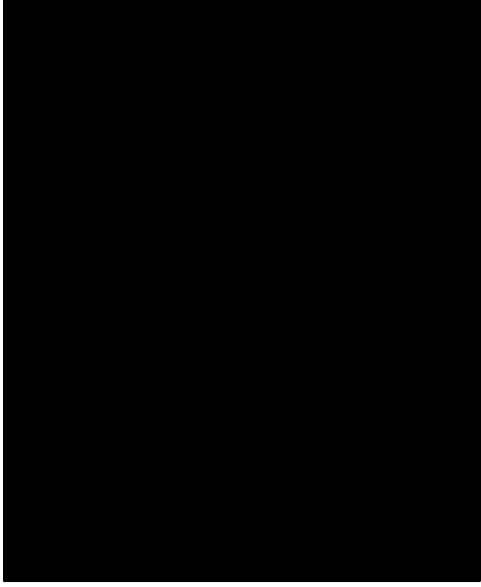
Notes:

Approx Hours: 1

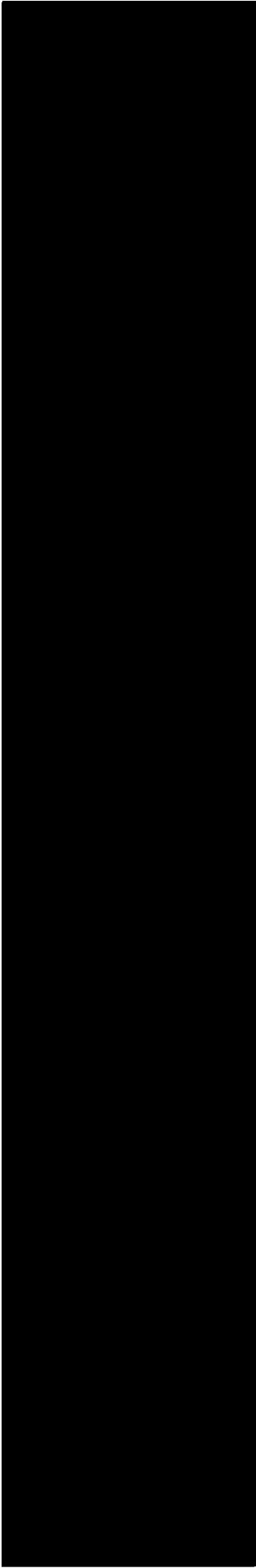












15

Coltsbad Police Department
Daily Patrol Shift Schedule

THURSDAY 03-14-13

E-2

SPECIAL EVENTS:

CALL SIGN	NAME	ARJIS #	MISC.	8 HOUR	SPECIALTY	VEH #
4L	Lt. MAY	5092	1400-0200			A233
41S						A973
42S	Sgt. BERONDA	5265			PS	A093
✓ 41P	Off. BENTLEY	5427				A235
✓ 42P	Off. MCCULLOUGH	5440		17-01		A134
✓ 43P	Off. BELLAMY	5443				A210
✓ 44P	Off. GREEN	5433				A267
✓ 45P	Off. GARRETT	5423			LJ	A170
✓ 46P	Off. BURNS	5420	w/ EXPLORER			A133
✓ 47P	Off. THOMPSON	5383				A240
✓ 48P	Off. SISCO	5426				A237
✓ 41E	Off. J. COSGROVE	5379				A209
✓ 42E	Off. KRAWCZYK	5395				A266
✓ 44E	Off. RICHARDS	5391		EOS 2300	SWAT	A206
46E						
✓ 47E	Off. TORRES	5416			BL	A208
48E						
4K						
4Z						
4T						
10	DEVELASCO/KARCHES					
SICK						
VAC/CTO						
TRNG	CHASE, ERNST					
OTHER	LEHAN (IOD)					

Coltsbad Police Department
Daily Patrol Shift Schedule

SATURDAY 03-16-13

D-2

SPECIAL EVENTS: TIME CARDS

CALL SIGN	NAME	ARJIS #	MISC.	8 HOUR	SPECIALTY	VEH #
1L		5181				A233
31S	SGT. THOMAS					A093
32S	Sgt. BEASON	5188				A171
31P	J. MEDONIK	5382				A136
32P	A. JUCENAS	5288		04-1200	FTO	A238
33P	K. ZAVALA	5292			LL	A236
34P	D. ERNST	5275			CNT/PERT	A135
35P	B. KIDD	5325			SWAT	A096
36P	D. SEALE	5238			SWAT	A264
37P	P. CABLE	5269			LL	A173
38P	E. HOPPE	5332			FTO	A262
32E						
34E						
36E						
38E						
3K						
3Z	CSO MARTELL	5262			FET	A103
SICK	SUTT					
VAC/CTO	LAMBERT					
TRNG						
OTHER	BOYCE/SHIPLEY (FMLA) G. ZAVALA					

Coltsbad Police Department
Daily Patrol Shift Schedule

SATURDAY 03-16-13

E-2

SPECIAL EVENTS:

CALL SIGN	NAME	ARJIS #	MISC.	8 HOUR	SPECIALTY	VEH #
4L	Lt. MAY	5092				A233
41S	Sgt. CHASE	5348				A973
42S	Sgt. BERONDA	5265		16-24	PS	A093
41P	Off. BENTLEY	5427				A235
42P	Off. MCCULLOUGH	5440				A134
43P	Off. BELLAMY	5443				A210
44P	Off. GREEN	5433				A267
45P	Off. COSGROVE	5379				
46P	Off. BURNS	5420				A133
47P	Off. THOMPSON	5383				A240
48P	Off. SISCO	5426				A237
41E						A209
42E	Off. KRAWCZYK	5395				A266
44E	Off. RICHARDS	5391			SWAT	A206
46E						
47E	Off. TORRES	5416			BL	A208
48E						
4K	CPL. ERNST	5298			K9	A062
4Z						
4T						
5H	FANENE	5314		20-03		
6H	HARVEY	5208		20-03		
SICK	GARRETT					
VAC/CTO						
TRNG						
OTHER	LEHAN (IOD)					

16

Message #: 39132569

From: SYSTEM @ CLETS 04.26.13 11:03:53

To : cb5221 @ 500057790

4CEJ08C3AD8.IV

DATE: 04/26/13 TIME: 11:03

END

17

Sgt. Williams: All right I am Sergeant Sgt. Williams and I am the officer in charge of this investigation for the Carlsbad Police Department. Today's date is April 18, 2013 and the current time is 1629 hours. We are in my office at the Carlsbad Police Station; Sergeant Sgt. Jackowski is also present and will be assisting with this interview.

Present at this interview is Sergeant Sgt. Beronda who does not have a representative. This interview is being recorded, the purpose of this interview is to discuss an allegation of misconduct by Officer Taryn Sisco on March 14, 2013, specifically it is alleged that Officer Sisco provided false information to her supervisor and authored either a false or inaccurate police report related to an incident that occurred on March 14, 2013.

Today's questioning concerns administrative matters related to the official business of the Carlsbad Police Department on behalf of the Chief of Police I now order you to answer my questions completely and truthfully. If at any point I determine your involvement is more than that of a witness I will stop the interview and we will reschedule for a later time where you will be provided with all the rights afforded to an accused officer per the peace officer bill of rights. Sergeant Beronda do you understand what I just read you?

Sgt. Beronda: Yes.

Sgt. Williams: Do you have any questions regarding what I just read?

Sgt. Beronda: No.

Sgt. Williams: On March 14th what was your job, do you remember?

Sgt. Beronda: Yes, a patrol sergeant for the E2 shift, four p.m. to four a.m.

Sgt. Williams: From four p.m. to 4 a.m.?

Sgt. Beronda: Correct.

Sgt. Williams: Does Officer Sisco work on your shift?

Sgt. Beronda: Yes.

Sgt. Williams: You had written a complaint form and forwarded it up to internal affairs and in it you mentioned that you had a discussion with her regarding an arrest that she made at 7662 El Camino Real Carlsbad Case #13-01544. Do you remember that discussion that you had with her that led you to file the supervisor's complaint?

Sgt. Beronda: Yes.

Sgt. Williams: Tell me where it was and what the discussion, what was said during the discussion?

Sgt. Beronda: The location was the evidence packaging room on the first floor where she was in the process of packaging evidence and so forth. I came through there for some reason and was speaking to her about her arrest, which was a narcotics related arrest. In speaking to her she was just telling me the circumstances of the arrest and I recall asking her what was the reason for the stop or something like that.

She was explaining to me, I think it may have been the PC form. Honestly I don't remember how it started, but the probable cause for the stop came up and she told me that she saw two or three minor vehicle code violations. Off the top of my head I'm trying to remember I think it was a taillight violation, and maybe registration, and then the driver turned out to be unlicensed.

In that conversation I asked her where she saw this vehicle driving and she told me, she initially saw it parked at a Circle K gas station 7600 ECR, then drove through the parking lot to Flippin' Pizza, which is in the same shopping center parking lot, never entering a highway and remaining on the private property the entire time.

I asked her, I told her, "You realize that the vehicle codes don't apply on the private property." Then she told me, "Well the passenger was a fourth waiver." I said, "When did you know that?" She said, "I knew that prior to, because I had prior to stopping, because I had run the plate then ran the registered owner then looked up the registered owner's picture all this on the vehicle computer." I then verified that the female passenger she saw get into the car was the same picture as the person with the active fourth waiver, so then she made the stop over at Flippin' Pizza.

She actually told me that she had to make a stop, they had pulled into a stall and she just pulled up behind them or near them and walked up to them and initiated the contact. At some point during this conversation Lieutenant May walked in and he was just kind of overhearing the conversation. I assumed to supervise me or whatever.

I told her that "okay it sounds like you have probable cause and so forth, you just have to write it with what's important, the vehicle code violations that don't apply aren't important." I was relaying this information as a learning point, as a teaching thing, because often times newer employees get mixed up as to what's the important things like the probable cause being all these equipment violations and stuff.

Forgetting that those don't apply, but it sounded like you had a reason for contact anyway which could be legitimate and should be written as such, write it as these are the facts that occurred, but the important facts that actually matter not the necessarily unimportant facts that make it seem like there wasn't probable cause or something like that, just trying to explain the reason for contact learning points, report writing learning points, and things like that.

That was the end of it and I never saw that report that day, I believe that was our Friday and then the next day she's a five o' clock or I get off at four in the morning. She gets off at five o' clock in the morning, so she must have turned it in after I left and Sergeant Thomas was working overtime that morning and when I went back and looked at the report I saw that he had signed it off, so he had reviewed it. In turn I reviewed to see what she wrote.

Sgt. Williams: What was your reason for going back and reviewing her report after Sergeant Thomas signed it off?

Sgt. Beronda: After our conversation I thought she understood the learning points and I felt confident that there was a proper detention and ultimate proper arrest in the case. Then I believe it was on March 16th or so Lieutenant May, Sergeant Chase, and I were in the watch commander's office speaking about issues, just varied issues, not necessarily Sisco.

Sergeant Chase brought up that she had a conversation with Officer Sisco about an arrest she had made at the mall where she had arrested a couple of juveniles and there was some question as to the elements of the crime, not being present and Sergeant Chase questioning Officer Sisco about the lack of elements and then find it strange that Officer Sisco suddenly remembered that the elements were there and she said something to the effect that she would check her notes to make sure.

It was something to do with the statements of the juveniles to Officer Sisco, which from experience we generally remember when they tell us things that are the elements of the crimes and you don't have to refer back to your notes especially for something as minimal as a shoplifting. What struck me is Sergeant Chase said it was weird, because it made me feel like she was just making it up.

Which at the time it made think of the conversation I had with Officer Sisco on the 14th about her probable cause for the stop and how it had initially gone from one thing, from traffic violations, and then gone to fourth waiver contact versus a traffic enforcement stop?

Sgt. Williams: When you made contact with Sisco in the evidence processing room, that was the same day she made the arrest is what I'm understanding?

Sgt. Beronda: Yes, that's the way I remember it.

Sgt. Williams: Do you remember about what time you talked to her in the evidence room?

Sgt. Beronda: No, I don't remember at all. It was sometime during the evening.

Sgt. Williams: Was there anyone else in there other than Lieutenant May?

Sgt. Beronda: No.

Sgt. Williams: Did anyone else witness your guys' conversation?

Sgt. Beronda: Not that I recall.

Sgt. Williams: Is it standard practice on your watch that you have to review probable cause forms before the officers are allowed to book suspects?

Sgt. Beronda: Yes, we reinstituted that recently; probably shift change, the first week of March, second of March, March 4th.

Sgt. Williams: Basically when officers arrest people on the field, the supervisors on the watch have to approve their PC form before they're allowed to take them to jail?

Sgt. Beronda: Yes, I think that's where the conversation on the 16th occurred in the watch commander's office. That's how it came about. I was really surprised that some of the things that officers say are missing in their probable cause deck.

Sgt. Williams: When you spoke with Officer Sisco in the evidence processing room regarding this traffic stop, were you at that point reviewing her PC form or had she already booked a person in jail?

Sgt. Beronda: I want to say she already booked him into jail, because I think it was the male actually that got arrested, but I can't remember, I can't remember if she was just there packaging evidence or if someone else is watching the prisoner in the other room while she was doing evidence type stuff, but it seemed to me that she had already booked and she was there packaging evidence.

Sgt. Williams: When you initiated your conversation with Officer Sisco during any of the evidence processing room, did you, when you began talking to her right at the beginning. Was one of your reasons for talking to her, because you

suspected she'd done something wrong or were you just talking about the arrest she made?

Sgt. Beronda: No I didn't think she did anything wrong at all, I was just curious; I was just asking oh when did you get. I think probably the PC portion of the conversation came up because of the recent change or some of the people were forgetting to call us when they had done arrests, maybe I was asking that. I wasn't suspicious, I wasn't investigating it, I was just having a casual curious conversation. Then when I heard the potential learning points, I just took the opportunity to teach.

Sgt. Williams: When you're talking to her in the evidence processing room and your discussing her arrest that night, she tells you just so I get it right that she first saw the vehicle parked in the parking lot at the Circle K and then she saw the vehicle drive to the Flippin' Pizza in the same parking lot without going out on the road.

Sgt. Beronda: Correct.

Sgt. Williams: She relayed to you that she saw a couple of two or three minor vehicle violations and you mentioned maybe a taillight, do you think it was a taillight?

Sgt. Beronda: I'm almost positive one was a taillight.

Sgt. Williams: Then you mentioned vehicle registration?

Sgt. Beronda: I think, but I can't recall.

Sgt. Williams: You had mentioned that the driver was unlicensed?

Sgt. Beronda: Correct.

Sgt. Williams: Do you remember back if you can during that conversation, did she tell you during that conversation that she knew who the driver was and she knew he was unlicensed when she stopped him or he turned out to be?

Sgt. Beronda: No he turned out to be. This was how it went; oh I saw that he had these traffic violations. "Well you know those don't apply on private property."

Sgt. Williams: You were telling her?

Sgt. Beronda: Right. You realize those don't apply on private property. "Oh well he turned out to be unlicensed anyway."

Sgt. Williams: When you said that to her that they don't apply on private property, did she say anything to you or indicate that she was aware that they didn't or

was that something that she wasn't aware of that you were educating her on?

Sgt. Beronda: I would be speculating, because you would assume that somebody that had completed the academy completed field training and had been through a probation would know that. Like I said some of the newer people tend to get crossed in their mind or confused as to what's important and forgetting private property versus highway vehicle code, and all those things. I couldn't tell at the time if it was I don't know, I forgot, or I was confused, or I wasn't expressing myself well to the question. But regardless of what the reason was I just took the opportunity to teach.

Sgt. Williams: Once you told her that the vehicle code doesn't apply on the highway, she said the driver was unlicensed?

Sgt. Beronda: Yes.

Sgt. Williams: Did you say anything to her after that?

Sgt. Beronda: I said that doesn't apply either.

Sgt. Williams: Because it's private property?

Sgt. Beronda: Correct.

Sgt. Williams: Did she say the driver was on fourth waiver or the passenger?

Sgt. Beronda: The passenger, the female.

Sgt. Williams: You asked when did you know that?

Sgt. Beronda: Correct.

Sgt. Williams: Why did you ask that question?

Sgt. Beronda: Because it would be a reason to contact a person to do a compliance probation check if you knew prior to the contact that the person was on probation and had a forth waiver. It would inappropriate to make a detention on somebody not knowing that and not having a violation of law, so that's why I asked, because it's important when did you know that information.

Sgt. Williams: Then going over my notes, she told you that prior to the stop she ran the license plate?

Sgt. Beronda: Correct.

Sgt. Williams: She then ran the owner?

Sgt. Beronda: Correct.

Sgt. Williams: Then she looked up a picture of the owner?

Sgt. Beronda: Correct.

Sgt. Williams: When the occupants got into the car, she recognized the passenger as the person she saw on the picture as the owner?

Sgt. Beronda: Yes and being on probation with fourth waiver.

Sgt. Williams: Did she say where she learned that the person was on fourth waiver?

Sgt. Beronda: She referred to some of the computer databases on the car computer; I don't specifically remember which one.

Sgt. Williams: Did she tell you that she did all these computer checks from the time she saw the vehicle parked at the Circle K, between the first time she saw it parked at the Circle K that night and when she stopped to talk to the people. Was that that when the computer checks were done or did she tell you that she had prior contacts with these people or anything like that?

Sgt. Beronda: No she said the initial sighting was at Circle K, that's when the computer checks were done either before or while they're moving to Flippin' Pizza.

Sgt. Williams: Then when they get to Flippin' Pizza, you had mentioned that she said that she didn't stop them; she parked near them and contacted them?

Sgt. Beronda: Yes, she had told me that they had parked in a stall, so she told me I didn't stop them, they actually parked in the stall, I parked nearby them and walked up and made contact.

Sgt. Williams: Did she say or did you ask why she didn't stop them if she thought she had a reason to stop?

Sgt. Beronda: No it just seemed at the time that she was just saying it wasn't even really a traffic stop, it was more a pedestrian stop or as they were preparing to exit the vehicle I just walked up on them and told them I want to do the probation search.

Sgt. Williams: After she told you that she knew that they were on fourth waiver when she contacted them, were you satisfied at that point that she had been doing things properly at that point or did you have suspicions?

Sgt. Beronda: No, I was satisfied she had done it properly. I felt the reason for her stop was to do a compliance check for probation and fourth waiver search of

the female passenger, who she told me she had learned that the female was under those conditions and she knew that prior to contact.

Sgt. Williams: With my notes and you said that on the 16th, so two days later you, Sergeant Chase, Lieutenant May were discussing a burglary incident that Sergeant Chase brought up where she didn't feel right about the interaction she had with Officer Sisco and felt Officer Sisco in that case may have been making up or something didn't seem right to Sergeant Chase about their reaction. Then my notes what I thought I heard you say was that that conversation caused you to reflect back on the 14th and your conversation with Officer Sisco regarding the traffic stop in our case that we're talking about and at that point you had suspicion.

Sgt. Beronda: Yes.

Sgt. Williams: Was it after that discussion on the 16th that you went and pulled the report and viewed it?

Sgt. Beronda: Yes, not only I pulled the report to review that, but I looked at her unit CAD history for the night of the arrest and on that you can see the time where she ran the vehicle plate, so based on what she had told me I could deduce that the vehicle was at Circle K at that point. Then you can see running, it shows the time she runs the female passenger and so forth. Then it shows the time she puts out on the radio that she's conducting a traffic stop on that vehicle and location at Flippin' Pizza.

I was surprised to find that from the time the license plate was initially run to the time she puts out a traffic stop was less than two minutes and I know from experience that there are other officers that do a lot of narcotics arrests, probation and parole compliance checks and they use the same type of tools when they are in the field. I reviewed other officers when they do such thing and it generally takes some of the more astute officers in the use of computers, it generally takes them three to six minutes from the initial point where they run a plate and to the time of the traffic stop.

You can see the same things on their computer history, is the license plate is run to the name of the registered owner is run and all those type things, and the time of the stop. I found the quickest time I think was two minutes of the half dozen or so I looked at and the longest time was about six minutes. I was surprised to find that hers was under two minutes; I think it was under a minute 45, which caused me concern that perhaps although I don't have proof, but based on what Sergeant Chase said the fact that it was so quick and that the PC kind of changed, as I challenged it.

Then seen the short amount of time I feared that perhaps rather than admitting fault or admitting when you're wrong type thing that maybe she had made an error and found it easier or whatever the reasoning was to not be truthful and the report writing aspect as to the reason for the stop. The reason in her mind for the stop at the time of the incident may have been different than what she actually wrote in the report after our conversation. That kind of coincided with Sergeant Chase's conversation where Sergeant Chase challenged her on these elements of the crime and then the elements were satisfied after the challenge, but in the way that it wasn't typical how officers remember interviewing or interrogating suspects and getting the elements of the crime and knowing what crime you have type thing.

Rather than research it any further and investigate any further I hope that it's wrong, but with the Brady issues and the potential for people who have been prosecuted in the past and arrests and so forth, I thought it was important and should be investigated further, which caused me to initiate the supervisor's complaint form for Internal Affairs to investigate and get to the bottom of it.

Sgt. Williams: The complaint you submitted you wrote about the 14th conversation you had with her in the evidence room and then on the 16th you detailed the interview in the watch commander's office was with Sergeant Chase and Lieutenant May and then you say on March 20th you reviewed the case and the unit history and that's where you describe the time of about two minutes and at that point your suspicion was arouse so you wrote the complaint.

Sgt. Beronda: Correct.

Sgt. Williams: Any time after the 14th in that conversation in the evidence room, did you have any other conversations with Officer Sisco regarding this stop?

Sgt. Beronda: No.

Sgt. Williams: Do you know if anyone else did as far Sergeant Chase or Lieutenant May?

Sgt. Beronda: Not to my knowledge.

Sgt. Williams: Do remember or recall reviewing the probable cause form for this arrest?

Sgt. Beronda: No.

Sgt. Williams: Do you think it's possible you did and you don't remember it or do you think somebody else did it?

Sgt. Beronda: It's possible, I don't remember, it's possible that it was done over the telephone, but I don't recall either way. That could have been the reason why I initiated the conversation, because she had arrested somebody and failed to run the probable cause, because we had just changed department practice where an officer didn't need to run it past a supervisor prior to, we just changed, some of the officer were forgetting to do so because of the recent change.

Sgt. Williams: On this arrest from Officer Sisco you may have looked at her PC form, but you don't remember somebody else might have and you don't know or it's possible that she could have not run it by anybody and that could have been what triggered your conversation with her?

Sgt. Beronda: Correct.

Sgt. Williams: To check after the fact type of thing?

Sgt. Beronda: Right, it could have been any of those, I just don't remember.

Sgt. Williams: All right.

Sgt. Jackowski: Yes, do you have the CAD history?

Sgt. Williams: All right, it looks like from the time the plate was run at 21:01:36 and the traffic stop was at 21:03:14.

Sgt. Jackowski: Looking at this CAD it shows yes, she ran the plate, but had she run someone by person based on your knowledge does that not also appear in CAD?

Sgt. Beronda: Correct, let me see here.

Sgt. Jackowski: 21:01:36 was the vehicle plate, that's the vehicle that was stopped and 21:03:14 she's on traffic.

Sgt. Beronda: Right, and then it shows the names after traffic.

Sgt. Jackowski: After the traffic stop, right.

Sgt. Jackowski: If she had run then by person using 29 person in the vehicle that would appear somewhere on her CAD for that evening correct?

Sgt. Beronda: I don't know for a fact, I don't know if this what's showing here after the traffic stop is what was run on inquiry. It appears so because of the way it's listed with the driver's license and the last name. There's two like that, it appears there was a switch to inquiry and run this person. DL number, last name, DL number, last name.

Sgt. Jackowski: Based on my use of the MDT, whenever I ran somebody 29 person in the vehicle, it would appear my CAD history, just like the plates appear.

Sgt. Beronda: I think you're right and I didn't notice that.

Sgt. Williams: Looking at the CAD the only thing I can see as far as somebody running the people that were in the car, it occurred about three minutes after the traffic stop, that they were run.

Sgt. Beronda: Right which is even more troubling because you would think that it would be before the traffic stop.

Sgt. Jackowski: I just wanted to verify those.

Sgt. Jackowski: It doesn't appear it's in her CAD history as running it through the car. Are you aware of any other databases she might have used to verify forth waiver through her vehicle?

Sgt. Beronda: I am not and maybe I claim to be an expert on the usage of those or how they come up on the CAD history. I don't know if there's another database that you can use that would show the forth waiver info and not show up on your CAD history, it's possible. I just don't know, but assuming so and this was my point is if the plate is run at 2101 and the traffic stop is at 2103, you can't run the person until you run the plate. You have less than two minutes to run that plate and then run the registered owner without a date of birth, just the name and/or check the name in EJIMs to find a picture and verify that and then you have the name, date of birth, and then run the name and so forth. It seemed very fast to me.

Sgt. Jackowski: Do you yourself utilize EJIMs.

Sgt. Beronda: Infrequently, but yes.

Sgt. Jackowski: Do you know if forth waiver information appears on EJIMs.

Sgt. Beronda: No. You would have to go into the county mainframe.

Sgt. Jackowski: In your experience using EJIMS what type of history appears of history appears on EJIM, what type of data appears on EJIMs?

Sgt. Beronda: Prior arrest, name, date of birth, reason for arrest, a picture of the arrestee, some court date information, things like that.

Sgt. Jackowski: In your experience it wouldn't show a current forth waiver status?

Sgt. Beronda: No, sometimes if they're convicted while in jail it might show that they were sentenced to x-number of whatever with probation, but you would

still have to go into county mainframe to see if the probation is active and if there's a forth waiver attached to that probation.

Sgt. Jackowski: Let me see your narrative real quick.

Sgt. Jackowski: When you reviewed her report you did seem to parallel what she had told you or did anything seem to have changed. If covered this before, I apologize, but I just wanted to make sure.

Sgt. Beronda: No, it paralleled what she had told me that evening in the evidence packaging room.

Sgt. Jackowski: She wrote in here that EJIMs revealed that Rae Hebert was affirmative forth waiver, so in your experience would you say that's an accurate statement? If she checked EJIMs would EJIMs reveal that this person that she ran was forth waiver?

Sgt. Beronda: Not to my knowledge, but I am not an expert on EJIMs and I know on EJIMs when it shows the arrest at the bottom, it will actually have court numbers, court docket numbers. You can click on the court docket number off of EJIMs and it will take you to the county mainframe to show you the DA screens, that show the history of that case and how it is adjudicated which you can also get the probation information off of that, so it could be. I would be speculating as to what that means, but I can see where you could think I'm getting to this screen or this database through EJIMs and say I ran this person through EJIMs.

Sgt. Jackowski: Would the DA screen automatically pop up or do you have to enter in another password in order to get in to it?

Sgt. Beronda: You have to enter another password to get to it. I believe that most of these officers in the field have multiple screens up at a time and are very adaptive quickly going from screen to screen to screen and running people and so forth, some of them are surprisingly faster dispatchers. I am nowhere near that, but even the good ones I think under two minutes is surprisingly fast.

Sgt. Williams: Really quick.

Sgt. Beronda: But, I don't know the answers to the computer questions very well, because I'm not an expert.

Sgt. Jackowski: She wasn't able to access EJIMs and take her to the forth waiver screen and you feel that the report on its face is pretty accurate from what she told you? She told you in the evidence room, which she's now relaying in her report?

Sgt. Beronda: Yes.

Sgt. Williams: Just to summarize before as we stop talking, just to make sure I completely understand what you're saying is that Officer Sisco went out and made a dope arrest on March 14th, you talked to her in the evidence room after that arrest. The probable cause comes up because you as her supervisor one of the responsibilities you have is to check probable cause for arrest and during that discussion she relays to you that she stopped them for vehicle code violations, which occurred in a parking lot.

You educated her regarding the vehicle code not applying there and then she said that the driver was unlicensed and you advised her that also wouldn't apply in a parking lot. Then she told you that she stopped them to do a probation search, because she knew the passenger was on forth waiver. You asked when she knew that and she explained to you that she run the plate in the parking lot and ran the registered owner, got a picture of the registered own; saw the owner as a passenger in the car. Therefore she knew she could contact that vehicle because of the forth waiver status of the passenger?

Sgt. Beronda: Correct.

Sgt. Williams: Then based on your discussion on the 16th with Lieutenant May, Sergeant Chase, and you, in the watch commander's office and you were hearing Sergeant Chase's concerns on a different case, it and made you reflect back on this case you went and pulled Officer Sisco's unit history for the day on the 14th and her report, noted how short of a period between the time she ran the suspect's license plate and put out the traffic stop and knowing the amount of work it would take to do all the computer checks she told you she had done, that raised suspicion in your mind that she might not have been completely truthful with you about knowing they were on forth waiver before this stop was done?

Sgt. Beronda: Correct, may have not been truthful with me or truthful on the report.

Sgt. Williams: I don't want to put any words in your mouth, I'm just trying to summarize in my brain and make sure I understand what you're saying, and let me know if any of it is wrong.

Sgt. Beronda: The only thing you mentioned that wasn't necessarily so specific was the reason for talking to her in the evidence packaging room may have been what you just said the PC, talking about our responsibilities as a PC. It could have been just out of pure curiosity like what did you get or it could have been something else that I don't remember. It was just a daily routine thing. The sequence of events is accurate as you described and I didn't become suspicious until I spoke with Sergeant Chase and then I

looked at the unit history and saw the short period of time that raised my suspicions even more and I feared that there could be some inaccuracies in report writing which caused me to think that it should be investigated further.

Sgt. Williams: The other, you said that the suspicion I think earlier you had also mentioned a thing that caused you to be suspicious that she was being truthful with you was and if this isn't right let me know, but I thought you had said that because after on the 16th you heard about Chase's suspicion on a different case and then you saw the CAD and stuff, the fact that when you talked to her on the 14th that her probable cause for the stop kept evolving and changing as you discussed it with her. I thought you had mentioned it was suspicious to you.

Sgt. Beronda: Yes at the time it wasn't suspicious because I felt it was just part of being new and just explaining all the things that are going on in a police officer's mind for reasons for contact detention, search and seizure, laws of arrest and all of those things and kind of just expressing all those things as they are going in her mind, so it didn't really trigger my concern there. But they did evolve as the questions went on and I felt that they evolved.

I remember telling her I think you have it here and that's a good thing, you have it, just write it so it's not confusing with the things that aren't applicable and focus on the things that are applicable. The facts, use the facts, use the applicable facts and just try and use that as. I always tell all the employees, I think I told them on this day to, is it helps so much in report writing if you know where you're at in a stop. If you know this is consensual counter and the person walks away, I know I'm not going to do anything, if this is a detention and the person tries to walk away I know I can detain them.

If this is an arrest the person tries to walk away, I know this person is under arrest. If you know these things and you know the reason for contact, the reason for the detention, the reason for the arrest, all these things it's much easier to write. If you're thinking that way in your head then you can write the exact same chronological thing and that's how I educate many of the employees and I think I did that night too, just in a way to keep things easier in the head to express on paper. If you just do it chronologically and know what you're doing and why you're doing it throughout the entire content. You can react quicker and you can write much better reports.

Sgt. Williams: Did you ever talk to Lieutenant May, since he was there for at least a portion of your conversation. Did you guys, you and Lieutenant May

discuss any concerns other than the discussion you had on the 16th with Sergeant Chase. Did you talk Lieutenant May about your discussion with Officer Sisco regarding the probable cause?

Sgt. Beronda: No, only on the date, the 14th when he was present and the 16th when the three of us were discussing.

Sgt. Williams: Do you know if Lieutenant May ever talked to Officer Sisco regarding this incident, the arrest on the 14th.

Sgt. Beronda: I don't know.

Sgt. Williams: Can you think of anything else?

Sgt. Jackowski: No.

Sgt. Williams: Is there anything else you can think of regarding the complaint you filed that I haven't discussed with you, that you think might be important?

Sgt. Beronda: No.

Sgt. Williams: I have no further questions at this time. On behalf of the Chief of Police I'm ordering you not to disclose anything or discuss during this interview or anything regarding this investigation with anyone, however, you may speak with legal counsel should you choose to consult an attorney. Disclosure of anything we discussed during this interview would be considered insubordination and by itself would subject you to disciplinary action up to including termination. Sergeant Sgt. Beronda do you understand?

Sgt. Beronda: Yes.

Sgt. Williams: This order will remain in effect indefinitely due to the nature of the investigation, this concludes the interview, the time is now 1713 hours. I'll turn the tape off.

18

Lt. May interview transcript (4-18-13)

Sgt. Williams: Okay, I am Sergeant Mickey Williams, and I am the officer in charge of this investigation for the Carlsbad Police Department. Today's date is April 18th, 2013. The current time is 18:05 hours. We are at my office at the Carlsbad Police Station. Sergeant Jackowski is also present and will be assisting with this interview. Present at this interview is Lieutenant May, who does not have a representative. The interview is being recorded.

The purpose of this interview is to discuss an allegation of misconduct by Officer [Taryn Sisco 00:00:30] on March 14, 2013. Specifically it is alleged that Officer Sisco provided false information to her supervisor and authored either a false or inaccurate police report related to an incident that occurred on March 14, 2013. Today's questioning concerns administrative matters related to the official business of the Carlsbad Police Department. On behalf of the chief of police I now order you to answer my questions completely and truthfully. If at any point I determine your involvement is more than that of a witness, I will stop the interview and we will reschedule for a later time wherein you will be provided of all the rights afforded to an accused officer for the Police Peace Officer Bill of Rights. Lt. May, do you understand what I just read you?

Lt. May: Yes.

Sgt. Williams: Do you have any questions regarding what I just read?

Lt. May: No.

Sgt. Williams: Okay. What we want to talk about is an incident that happened on March 13, 14, 2013, involving Officer Sisco and a conversation that Officer Sisco had with Sergeant Beronda, in the evidence room that evening following the arrest that she had made. Are you Sgt. Beronda's supervisor?

Lt. May: Yes.

Sgt. Williams: So Officer Sisco works under your command in patrol.

Lt. May: Yes.

Sgt. Williams: Okay. Do you remember a conversation that you might have been there during part of it or not all of it between Sgt. Beronda and Officer Sisco discussing a traffic stop that led to an arrest in the parking lot of the Albertson's, Flippin' Pizza, Circle K parking lot in the 7600 block El Camino Real on March 14? Do you remember that?

Lt. May: Yes.

Lt. May interview transcript (4-18-13)

Sgt. Williams: What do you remember about the conversation that you heard or may have participated in, in the evidence room with Beronda and Sisco?

Lt. May: When I walked into that room, Sisco was processing some evidence, and Beronda was standing near the photocopier. He was explaining to her about how to ... let's see. It was basically how to fix the report, or how to salvage the arrest, in its basic form. He was describing to her that what the probable cause that she believed that she had for the traffic stop didn't exist. He was asking her questions to solicit more information from her, to get good probable cause for the stop so that there was reason to make the stop and reason to make the arrest, so that it wasn't unlawful detention or an unlawful arrest.

Sgt. Williams: Do you remember what Officer Sisco's initial probable cause was that she related to Sgt. Beronda?

Lt. May: I don't think I heard it that night, but the next day, Beronda and I spoke. I believe he told me at the time that she said that she pulled the driver over for not using a turn signal.

Sgt. Williams: That was the next day, but you didn't hear Officer Sisco say that to Beronda. That was what Beronda later told you she'd said.

Lt. May: Yes.

Sgt. Williams: Did you hear the questions that Sgt. Beronda was asking Officer Sisco, trying to pull the information from her so he could determine what her probable cause was for the stop?

Lt. May: I did hear some of that conversation, and some of the questions.

Sgt. Williams: What was Sgt. Beronda asking if you remember?

Lt. May: I think he asked her, when, because it came down to a fourth waiver issue being able to use that as the probable cause for the stop. He asked, "Well, when did you run the driver?" or "the occupant of the car?" I forget which, but I know that she said something about them being over at the Circle K gas station, running the plate on the car and then running, I believe the registered owner of the vehicle and determining that the RO was on fourth waiver. Rich asked her a few more questions, to try to get to solicit that information from her to try to build a credible case out of what she had.

Sgt. Williams: Is it your recollection that when Sgt. Beronda was talking to Officer Sisco that, and Sisco told Sgt. Beronda that before the traffic stop, she ran the vehicle and

Lt. May interview transcript (4-18-13)

then the registered owner and found out the registered owner was fourth waiver before she made the stop?

Lt. May: I believe that's what she stated that night.

Sgt. Williams: Did you ...

Lt. May: If I can clarify, either she stated that, or Beronda told me that when I walked in the room. I was only in that evidence processing room for a few minutes, because I'd already changed out. Was in my blue jeans and t-shirt and heading home.

Sgt. Williams: Did you plan to meet Sgt. Beronda in the evidence room to talk to Officer Sisco?

Lt. May: No.

Sgt. Williams: Do you know if Sgt. Beronda planned to interview Officer Sisco at that point or how they met to talk in the evidence room? Do you know how they met to talk in the evidence room?

Lt. May: I don't. He didn't tell me anything about it prior to that.

Sgt. Williams: So it was just by chance that you happened to be in the evidence room at the same time that they were discussing this issue?

Lt. May: Correct.

Sgt. Williams: What I'm hearing you say is that you remember a discussion regarding her probable cause for the stop and Sgt. Beronda asking her questions to try to elicit what the probable cause was. It started with a vehicle code violation, maybe a turn signal, and then it transitioned to a fourth waiver issue, where either you heard Officer Sisco say or later Beronda told you that Officer Sisco said that she had ran the registered owner and found out she was fourth waiver before the stop.

Lt. May: Yes.

Sgt. Williams: Was there anything else that happened during this meeting in the evidence room regarding the traffic stop or a discussion regarding the probable cause?

Lt. May: Not that I can recall.

Sgt. Williams: How long do you think you were in there during this conversation, time-wise?

Lt. May interview transcript (4-18-13)

Lt. May: Five minutes, but it could've been 10.

Sgt. Williams: Do supervisors on the shifts you're in charge of have to check the probable cause as part of their duties as supervisors of officers before they go book them into jail?

Lt. May: Yes.

Sgt. Williams: Is that new, or has that been a long-standing practice?

Lt. May: As a department, we had it as a practice, and then it faded away or went away. Recently we re-enacted it. I would say probably within the last 30 to 45 days.

Sgt. Williams: Is that just under your shifts, or is that patrol wide, to your knowledge?

Lt. May: Patrol wide.

Sgt. Williams: Did you happen to check ... Do you remember if you checked Officer Sisco's PC form for this arrest?

Lt. May: I know that I didn't.

Sgt. Williams: You know you didn't. Okay. Do you know who did?

Lt. May: I don't know if anyone did.

Sgt. Williams: After this five- to ten-minute discussion were you ... did you overhear it, or were you a party to it? Were you part of the discussion or were you just overhearing their communication? Were you there for a different reason or?

Lt. May: I wasn't there for that reason. I think I stopped in just to let Rich that I was done, that I was going home and to call me if anything occurred. I walked into the conversation while they were engaged in their dialogue. You asked me another part, if ...

Sgt. Williams: Did you participate in it, or were you just waiting for them to finish their conversation so you could talk to Rich?

Lt. May: No, I don't recall if I asked any questions or not or if I gave any opinions at the time.

Sgt. Williams: Following this meeting or this discussion that you walked upon in the evidence room, did you ever talk to Officer Sisco later regarding this traffic stop or arrest?

Lt. May interview transcript (4-18-13)

Lt. May: No I haven't.

Sgt. Williams: You said you did talk to Sgt. Beronda later, either the next day or at some later time, and that's when he told you there was a turn signal maybe?

Lt. May: Yes, but I really don't recall now if it was that next day or if it was while Sisco and he were talking that night. It could've been maybe even both.

Sgt. Williams: At any point have you since that discussion ... When you walked into that discussion of, say as you were walking into that room, were you aware of Sisco's arrest in the parking lot that we're talking about? Were you already aware of her arrest?

Lt. May: No.

Sgt. Williams: Once you heard this discussion in the evidence room, and you're leaving, did you have suspicions that she might be being dishonest or not being truthful with Officer Beronda?

Lt. May: No, not at that time. My only suspicion at that point would be that she had made an error, had misunderstood what she was doing, and made a traffic stop based upon what she thought was good probable cause that didn't really exist.

Sgt. Williams: Being the vehicle code violation?

Lt. May: Yes on private property.

Sgt. Williams: Right, okay. After this meeting in the evidence room, did you ever later develop a suspicion that she might not being truthful, regarding this incident with either Sgt. Beronda or in her police report?

Lt. May: No.

Sgt. Williams: I can't think of anything else, can you?

Sgt. Jackowski: Did you ever review Taryn's report regarding this, here is a copy of it?

Lt. May: No I've never seen the report. In patrol things have changed quite a bit. Most of the watch commanders don't review reports anymore. It's just a function of the sergeants.

Sgt. Jackowski: Do you want to read the narrative and see if kind of jives up with what you recall the conversation as being that evening?

Lt. May interview transcript (4-18-13)

Lt. May: Sure. Yeah she states here that she recognized the photo. I remember that now, that she stated that, that night. That was part of their conversation.

Sgt. Williams: Of the registered owner?

Lt. May: Right, of what's it? [REDACTED] That's a female, correct, [REDACTED]?

Sgt. Jackowski: [Affirmative].

Lt. May: Okay. I knew that there had been narcotics, that that was the purpose for the arrest, the cause of the arrest afterwards. I think she was there at the time processing that evidence, but I can't say that with 100% certainty. Most of this sounds the same, in the synopsis, based upon that except that there's nothing in here about her making the traffic stop and using the failure to use the turn signal.

Sgt. Jackowski: Okay.

Lt. May: I think my preference would have been if I had reviewed this for her to at least have mentioned that and build a little bit more of a fourth waiver issue. You want me to keep reading this thing or?

Sgt. Williams: Yeah, I think the probable cause is the main part of it. That's what we're talking about.

Lt. May: Yeah she's talking here again about the fourth waiver status. Anything else?

Sgt. Williams: Is there anything else you can think of regarding the discussion you overheard or this traffic stop or arrest that you think might be something that we should know about and haven't asked you about?

Lt. May: You may already know this or maybe you don't. There was discussion at management level about Sisco being selected for the DUI car and I had expressed a concern to Captain Gallucci that she not be selected because of her inexperience as an officer, that she needed to really learn the job. He said that he discussed the matter with the chief, and with the Captain Rowland and all three of them discussed it altogether. Then later the decision was made that she would be the selection for the DUI car. About a week after that Sisco had another minor, faux pas if you will, working. I sent an email to Capt. Gallucci and reiterated my stance that she should not be selected as the DUI car, that she wasn't ready for it, that we were setting our department up for failure, if you will, and that they should reconsider selecting her for that position. I CC'ed the chief on that so that he was aware of my concerns as well.

The chief responded back to me and said that based upon the what I wrote in the email that should she be put back into an FTO car and should she be put on a PIP? I referenced this traffic stop itself and another in my email. In my opinion at the time I didn't think that she needed to be put on the PIP, that she's making mistakes that a rookie officer's going to make. She might believe she had probable cause to stop the car and when she really didn't. While sometimes that's easy to overcome, as in this case, she worked with Rich to try to overcome that issue. I still think she needs more time on the job to figure things out, but in regard to what you're investigating, today's the first I've heard of that allegation.

Sgt. Williams: You mean the dishonesty part of it?

Lt. May: Yes.

Sgt. Williams: You're saying that the email and the information you relayed the chief and captain regarding your opinion that she wasn't ready for a DUI car was experience issue, not necessarily related to an honest issue, correct?

Lt. May: Yes.

Sgt. Williams: Anything else you can think of that you consider know about?

Lt. May: No. I think that's all.

Sgt. Williams: I have no further ... Do you have any?

Sgt. Jackowski: No.

Sgt. Williams: Okay. I have no further questions at this time. On behalf of the chief of police, I'm ordering you not to disclose anything we discussed during this interview or anything regarding this investigation with anyone. However, you may speak with legal counsel should you chose to consult an attorney. Disclosure of anything we discussed during this interview would be considered insubordination, and by itself would subject you to disciplinary action, up to and including termination. Lt. May, do you understand?

Lt. May: Before I answer, I have a question.

Sgt. Williams: Sure.

Lt. May: Sgt. Beronda filed the supervisor's complaint summary, or is it from the defendant?

Sgt. Williams: No, it came from Sgt. Beronda.

Lt. May interview transcript (4-18-13)

Lt. May: Okay.

Sgt. Williams: Directed to Lt. Mendes, I believe.

Lt. May: Okay, that's fine. As his supervisor, I will be speaking to him about the fact that he needs to let me know when he does that just so I'm not caught off guard, as I was in this instance. We won't discuss the investigation, but I would just like to ...

Sgt. Williams: You're going to just discuss the chain of command issue, not the details of this investigation.

Lt. May: That's correct.

Sgt. Williams: Procedural issue, not regarding this incident.

Lt. May: Correct. Other than that I understand the order.

Sgt. Williams: Okay. Yeah, I don't think that's a problem. Disclosure. Okay, disclosure of anything we discussed during this interview would be considered insubordination, and by itself would subject you to disciplinary action, up to and including termination. Lt. May, do you understand?

Lt. May: Yes.

Sgt. Williams: This order will remain in effect indefinitely due to the nature of this investigation. This concludes the interview. The time is now 18:25. I will stop the recording.

19

Off. Sisco interview transcript (4-23-13)

Sgt. Williams: I am Sergeant Mickey Sgt. Williams and I am the officer in charge of this investigation for the Carlsbad Police Department. We are in my office at the Carlsbad Police Station. Lt. Paul Mendes is also present and will be assisting with this interview. Present at this interview is Officer Taryn Sisco. Attorney Ken Yuwiler is also present and will be acting as your representative legal counsel. Today's date is April 23, 2013, and the current time is approximately 6:16 pm. Pursuant to Government Code 3303G, I am recording this interview. Officer Off. Sisco, you have the right to record this interview as well, and I see that Attorney Ken Yuwiler is recording it. Officer Off. Sisco, are you taking any medication which would cause you to be unable to understand and respond truthfully and fully to the questions that will be asked of you?

Off. Sisco: No.

Sgt. Williams: Have you failed to take any prescription or other medication which would assist you to understand and respond truthfully and fully to the questions that will be asked of you?

Off. Sisco: No.

Sgt. Williams: Are you suffering from any physical or mental condition that will cause you to be unable to understand and respond truthfully and fully to the questions that will be asked of you?

Off. Sisco: No.

Sgt. Williams: The purpose of this interview is to discuss IA Case # 13-IA-07. The allegations focus on but are not limited to Carlsbad Police Department policies 340.3.5 Performance, Subsection (I)(O)(P)(AA) and (AD), and 344.1.1 Report Preparation. The nature of this investigation is it is alleged that you provided false information to your supervisor and authored either a false or inaccurate police report related to an incident that occurred on March 13th, 2013, in violation of the aforementioned department policy sections.

Today's questioning concerns administrative matters relating to the official business of the Carlsbad Police Department. I am not questioning you for the purpose of instituting a criminal complaint against you. If, however, during the course of this questioning, you disclose information which indicates that you may be guilty of criminal misconduct, neither you, neither your self-incriminating statements nor the fruits of any self-incriminating statements you make to me will be used in any criminal

legal proceedings. Officer Off. Sisco, do you understand what I just read to you?

Off. Sisco: Yes.

Sgt. Williams: Do you have any questions regarding what I just read?

Off. Sisco: No.

Sgt. Williams: On behalf of the Chief of Police, I now order you to completely and truthfully answer my questions. Failure to answer my questions will be deemed insubordination and will subject you to discipline up to and including termination. Do you understand?

Off. Sisco: Yes.

Sgt. Williams: Mr. Yuwiler, you said you would like to make some comments before we begin the ...

Yuwiler: Thank you. Yes. Before we went on tape I had asked you, in fact, I think the other day, I also asked you for copies of all the investigative materials prior to the start of the interview. You did give me earlier today a copy of the arrest report or I guess the reports written by Officer Sisco, and I understand that at the present time that's the only information that you have provided us.

Sgt. Williams: Yes. I gave you the entire copy of the arrest report that was authored by Officer Sisco, and that's all you'll be getting.

Yuwiler: OK. I also just wanted to make a comment, and we had talked about this also before we went on tape and that is a concern that I have that I believe under Government Code Section 3303, Officer Sisco is entitled to copies of any prior statements that she made and I don't know whether or not any exist, but given the nature of the allegation which is at least to the extent it relates to allegedly provided false information to a supervisor, I think that there is at least the likelihood that a supervisor has written something up relating to what Officer Sisco purportedly said, and I believe that I'm entitled to that, and I recognize that, I hope I'm summarizing your position correctly, but I recognize that the other day when we spoke you mentioned that something to the effect of there wasn't an interrogation going on at that time and it was just a contact between the supervisor and Officer Sisco, and I don't know if that's, I'm not disputing what you're saying, but I don't know the characterization of it because I wasn't there and I don't know the details so I do believe that

the Government Code Section 3303 would require the department to provide us any summary of or recitation of Officer Sisco's alleged statements to the supervisor in advance of this statement, in advance, I'm sorry, of her interview. Having said that, I think you've told me you're not going to provide it. Am I correct in that?

Sgt. Williams: Yes.

Yuwiler: OK. So, I've made my objections.

Sgt. Williams: Ok Taryn, the reason why we're here, what we're here to discuss is the arrest you made on March 14th, 2013. It was in the parking lot at 7600 El Camino Real, a result of a contact that you made there where you arrested Mr. [REDACTED] and I gave Mr. Yuwiler a copy of the report before we got here were you able to read the report and do you remember the incident?

Off. Sisco: Yes.

Sgt. Williams: Tell me what happened. How did you end up making, how did this contact happen? How did you end up making this contact?

Yuwiler: Objection. Overbroad, but if you understand the question you can answer.

Sgt. Williams: What led you to making this contact?

Off. Sisco: I observed a vehicle with a broken brake light, taillight. That got my attention. I ran the license plate, and then I looked up and I recognized the name. I looked up the name in SDLaw, recognized that to be a female that I have previously seen in SDLaw, and remembered with previous knowledge and seeing previously that she was affirmative fourth waiver.

Sgt. Williams: Where was the, you said it was a truck?

Off. Sisco: It was a, I believe, it was a car.

Sgt. Williams: Volkswagen car. Where was the first time, where was the vehicle the first time you saw it on this date?

Off. Sisco: I believe it was in the Circle K parking lot.

Sgt. Williams: Was it parked or was it being driven at that time, the first time you saw it?

Off. Sisco interview transcript (4-23-13)

Off. Sisco: I believe it was parked.

Sgt. Williams: Where was it parked when you first saw it?

Off. Sisco: I believe it was at the Circle K parking lot.

Sgt. Williams: In front of the store?

Off. Sisco: I don't recall exactly where it was parked.

Sgt. Williams: But you believe that the first time you saw it on the 14th, the vehicle, the suspect vehicle was parked in front of the Circle K somewhere. Is that true?

Off. Sisco: A very clear recollection of where, when I really remember seeing it was as it was pulling out is when I saw her face in the passenger seat.

Sgt. Williams: So the first time you saw the suspect's vehicle on the 14th, was it when it was driving out or was it when it was parked?

Yuwiler: Objection. I appreciate that it's a clarifying question or it seems to be that way. Like she indicated, and I just want to make sure we're clear, she indicated when she believes she first saw it, and when she has a clear recollection of having...

Sgt. Williams: I'm asking, so I'm asking you, Taryn, where was the first place you saw the car on the 14th?

Yuwiler: Objection. Asked and answered. You can answer it again.

Off. Sisco: I believe I saw it inside of the Circle K parking lot.

Sgt. Williams: Was it being driven or was it parked the first time you saw it?

Yuwiler: Same objection.

Off. Sisco: A clear recollection is when I remember it seeing it being driven, but I believe I remember it being parked.

Sgt. Williams: Explain to me when you say a clear recollection I don't understand what that means.

Off. Sisco: This case was a while ago and so I clearly remember it, like a very clear, and when I really started to look into the car was when it was pulling out of the parking lot; didn't have my full attention while it was parked. In the parking lot it was just another car.

Off. Sisco interview transcript (4-23-13)

Sgt. Williams: So, the first time you have a clear recollection of seeing the vehicle on the 14th was when the car was being driven away from the Circle K?

Off. Sisco: Yes.

Sgt. Williams: And, who was in the car? Do you know?

Off. Sisco: Now I do know it was [REDACTED] and [REDACTED]

Sgt. Williams: Did you know them when you saw them driving out of the Circle K parking lot?

Off. Sisco: I don't recall exactly at that point when I ran, when it was that I saw her up on SDLaw. So looking at her at the exact moment that I have the clear recollection, I did not know the names of the people in the vehicle.

Sgt. Williams: So when you saw, when you have your first clear recollection of seeing the vehicle is when it was leaving the Circle K, and it was being driven and there were two people in it, but at that point you didn't know who they were.

Off. Sisco: Yes.

Sgt. Williams: Where were you when you made these observations?

Off. Sisco: In that entire parking lot. I don't know how to explain exactly where.

Sgt. Williams: Were you parked or were you driving around when you made these observations?

Off. Sisco: Pulled, at some point I had been driving around. I believe when I started to run the plate I was pulled over to the side of the road, like the side of the parking lot.

Sgt. Williams: And you said that you saw a broken taillight.

Off. Sisco: Yes.

Sgt. Williams: Explain to me how you saw the broken taillight.

Off. Sisco: They had a blinker on to turn right out of the parking lot. When I was in front of them, they turned, they went straight and I kind of glanced over while they were turning and then went straight. That's the point I saw the broken taillight. I then went straight.

Sgt. Williams: Where was the vehicle when you first saw the broken taillight?

Off. Sisco interview transcript (4-23-13)

Off. Sisco: Coming out of the parking lot.

Sgt. Williams: What parking lot?

Off. Sisco: The Circle K.

Sgt. Williams: Heading in what direction?

Off. Sisco: South.

Sgt. Williams: And you said it made a turning movement?

Off. Sisco: It turned on the blinker to go west to ECR.

Sgt. Williams: Did it actually go west?

Off. Sisco: No.

Sgt. Williams: So, the car is going south from the Circle K parking lot. It has a blinker to turn right to go west.

Off. Sisco: Yes.

Sgt. Williams: But actually which way does it go?

Off. Sisco: Continues south across the ...

Sgt. Williams: Was it driving towards you at this point or was it driving away from you?

Off. Sisco: In front of me.

Sgt. Williams: In front of you. OK. Which way ...

Off. Sisco: Like, I guess away from me like, I was facing eastbound.

Sgt. Williams: Were you east or west of the vehicle?

Yuwiler: At what point in time?

Sgt. Williams: As it was leaving the Circle K.

Off. Sisco: I was west of it.

Sgt. Williams: So you were west of it closer to El Camino Real.

Off. Sisco: Yes.

Off. Sisco interview transcript (4-23-13)

Sgt. Williams: And the vehicle is traveling southbound from the Circle K and it had its right turn indicator on indicating that it was going to turn right towards west, in a westbound direction towards El Camino Real but it actually proceeded straight which was right past the front of your car.

Off. Sisco: Yes.

Sgt. Williams: And so it passes and then it's off to your right. Is that right?

Off. Sisco: As it passed me? Yes.

Yuwiler: It's going from your left to your right.

Off. Sisco: Yes.

Sgt. Williams: Where did you notice that the taillight was out?

Off. Sisco: Once it had passed me.

Sgt. Williams: Once it had passed you. What significance did that have for you, if any, that the taillight was out?

Off. Sisco: Just if I decided to stop the vehicle it would be PC if they had left the parking lot.

Sgt. Williams: After it passed in front of your car and was travelling southbound in the parking lot, where did it go?

Off. Sisco: Continued south to the end, liked passed it, like where you have to turn and started going eastbound.

Sgt. Williams: Stepping back a little bit, you said your first recollection of the car is as it was driving out of the Circle K parking lot. That's when you first, and that's in your mind now where you first remember clearly seeing it.

Off. Sisco: Yes.

Sgt. Williams: Being driven out. Did you see where the occupants, you said there were two occupants in the car.

Off. Sisco: Yes.

Sgt. Williams: Did you see where the two occupants came from before getting in the car?

Off. Sisco: At this point I don't remember. I believe it was Circle K.

Off. Sisco interview transcript (4-23-13)

Sgt. Williams: What makes you believe it was Circle K?

Off. Sisco: Because I wrote that in my report and I remember them also telling me that they were coming from Circle K and they were leaving out of the parking lot.

Sgt. Williams: I want to not focus on what they told you. I want to focus on what you remember seeing. So, do you remember where they came from, where the two occupants of the car came from before they began driving the car?

Off. Sisco: The Circle K parking lot.

Sgt. Williams: But the first time you saw them was inside the car. Did you see them outside the car?

Off. Sisco: I believe I did. My clear recollection of completely seeing them was at that point when I said I saw them inside the car.

Sgt. Williams: So you don't have a clear recollection of seeing them outside the car?

Off. Sisco: At this point, I do not.

Sgt. Williams: So your first, so is it true, is it, am I right in then believing that you don't have a recollection of where they came from? If you didn't see them outside of the car, if you don't remember seeing them outside the car, then do you remember where they came from?

Yuwiler: She's saying as she sits here right now she doesn't remember seeing them.

Sgt. Williams: I want to ask her, I'm asking her what she remembers.

Yuwiler: Yeah, but I just want to make sure we're clear that you're talking about her recollection as she sits here right now.

Sgt. Williams: That's right.

Yuwiler: OK.

Sgt. Williams: Right.

Off. Sisco: At this moment right now, my really first recollection because that's when I really first looked at the car, was as they were pulling out of the Circle K parking lot.

Off. Sisco interview transcript (4-23-13)

Sgt. Williams: So, I understand that's what you've said. I'm asking you just to make sure then that logically I would assume that you don't remember seeing them outside the car, but I'm asking you do you remember seeing them outside the car before you saw them driving away from the Circle K?

Yuwiler: As she sits her right now?

Sgt. Williams: That's what I'm asking her.

Off. Sisco: At this point, I do not remember.

Sgt. Williams: So, the car, let's now go back to where we were, the car has passed the front of your car and is driving southbound and you said it went down a ways and made a left turn and went eastbound.

Off. Sisco: Yes.

Sgt. Williams: What did you do in your vehicle?

Off. Sisco: I went straight.

Sgt. Williams: So you went straight towards the ...

Off. Sisco: Albertsons

Sgt. Williams: Albertsons in an eastbound direction?

Off. Sisco: Uh huh. (affirmative)

Sgt. Williams: Did you keep eyes on that vehicle or did you lose sight of it? Do you remember?

Off. Sisco: Yes, I kept eyes on it. Let me back up. I had ran, I believe I had ran the license plate by then.

Sgt. Williams: OK.

Off. Sisco: And then I continued straight.

Sgt. Williams: Do you remember where you first saw the license plate?

Off. Sisco: I believe it was as it was pulling out. With my practice, I usually run it, I usually would run a lot of license plates in and out of there.

Sgt. Williams: So, what's your recollection on when you first saw that license plate on that vehicle, on the suspect vehicle?

Off. Sisco interview transcript (4-23-13)

Off. Sisco: I don't recall if it was before they went in front of me or if it was right after.

Sgt. Williams: The part where it passed from your left to your right.

Off. Sisco: Yeah, it might have, it was either, I believe it was either while right before they went in front of me when it was stopped and I looked over at them.

Sgt. Williams: OK.

Off. Sisco: Because I was going to pull in there or if it was as it passed me and I glanced over and looked at it.

Sgt. Williams: Do you remember if it had a front license plate on it?

Off. Sisco: I don't recall.

Sgt. Williams: And do you remember, you said you ran the license plate?

Off. Sisco: Yes.

Sgt. Williams: Do you remember where you were or where the other vehicle was when you ran the license plate?

Off. Sisco: Driving southbound.

Sgt. Williams: So after the vehicle passes you from left to right, you continued southbound, at that point either as it is approaching you, passing you or as they were driving away from passing you, you saw the license plate and that's when you ran the license plate?

Off. Sisco: Yes.

Sgt. Williams: Do you remember if you ran it through dispatch over the radio or if you ran it over the computer?

Off. Sisco: At that point, I'd ran it over the computer.

Sgt. Williams: And then the vehicle travels southbound and you continue eastbound.

Off. Sisco: Yes.

Sgt. Williams: And then what do you do?

Off. Sisco: I look up the registered owner in EJIMS or SDLaw or whatever where the picture is.

Off. Sisco interview transcript (4-23-13)

Sgt. Williams: Do you remember the owner's name?

Off. Sisco: [REDACTED]

Williams: So you, once you got, so is what you're saying right after you received the return on the plate and you saw the registered owner you then did an inquiry through EJIMS on the registered owner, [REDACTED]?

Off. Sisco: Through the SDLaw where it brings up the pictures. I recognized the name and I ran it through SDLaw.

Sgt. Williams: Are you talking about booking pictures or driver's license pictures?

Off. Sisco: Booking.

Sgt. Williams: OK. And while you're doing that what did the suspect vehicle do? Where did they go?

Off. Sisco: They were continuing to drive and then they turned eastbound when you couldn't go southbound any more.

Sgt. Williams: Down by the Starbucks?

Off. Sisco: Yes.

Sgt. Williams: Then what did the suspect vehicle do?

Off. Sisco: They drove southbound and stopped at that stop sign.

Sgt. Williams: In the parking lot?

Off. Sisco: Yes.

Sgt. Williams: And then what did it do?

Off. Sisco: They had their, when they stopped they had angled their car to go southbound out of the parking lot and they were kind of watching me to see, they were watching me to let them go in front of them, because I at that point, I had turned to go southbound.

Sgt. Williams: So, you're traveling southbound through the parking lot and they're stopped at the stop sign facing eastbound ahead of you.

Off. Sisco: Yes.

Sgt. Williams: And, then what happens?

Off. Sisco interview transcript (4-23-13)

Off. Sisco: And then I slowed down letting them go in front, attempting to let them go in front of me.

Sgt. Williams: And what did they do?

Off. Sisco: They pulled over to like, they then positioned their, like drove and ended up going into the Flippin' Pizza parking lot. So they had to go to their left a little bit to go into it.

Sgt. Williams: So they had to make a left turn movement to kind of like the north.

Off. Sisco: A left angle.

Sgt. Williams: And then to continue east towards the Flippin' Pizza.

Off. Sisco: Into the Flippin' Pizza parking lot.

Sgt. Williams: And where did they go once they drove towards the Flippin' Pizza?

Off. Sisco: Kind of straight in and a little bit into the right into a parking stall and parked their vehicle.

Sgt. Williams: And what did you do?

Off. Sisco: The minute I saw them pulling into, instead of pulling out of the parking lot as they started to make the movement towards Flippin' Pizza, I put over the radio that I was going to conduct a traffic stop.

Sgt. Williams: OK.

Off. Sisco: And I used the license plate that I already had on my computer.

Sgt. Williams: So you advised dispatch at that point that you were going to do a traffic stop because they've stopped their vehicle in a parking stall in front of Flippin' Pizza?

Off. Sisco: Yes.

Sgt. Williams: And then, so what did you do with your vehicle?

Off. Sisco: I drove and parked my vehicle right behind them.

Sgt. Williams: Did you park parallel to them or did you park perpendicular kind of blocking them if they were to back up?

Off. Sisco: I parked in a parking stall directly behind them.

Off. Sisco interview transcript (4-23-13)

Sgt. Williams: Did you activate any of your lights?

Off. Sisco: At this point, I don't believe so. I believe I just got out of the car.

Sgt. Williams: Were you blocking them from, was your vehicle in a place where it would have blocked them from being able to drive away if they desired to?

Off. Sisco: No, because they were facing straight out. They drove through the stall to the stall to pull straight out.

Sgt. Williams: And then you, oh, OK, so they pulled straight in through a stall and then parked in the next stall and you parked in the stall behind them?

Off. Sisco: Yes.

Sgt. Williams: So your front bumper was near their rear bumper?

Off. Sisco: A little bit back. I left space, but yes.

Sgt. Williams: And did you, do you remember if you activated any lights did you say?

Yuwiler: Objection. Asked and answered. You can answer again if you understand the question.

Off. Sisco: At this point, I don't believe I did. I don't believe I did. I may have.

Sgt. Williams: Do you have a recollection of a reason why you wouldn't have if you were conducting a traffic stop?

Off. Sisco: They were already getting out of the vehicle so I got out real quick.

Sgt. Williams: During this, during your observations from the Circle K all the way to the point where you determined you were going to conduct a traffic stop on the vehicle, did you notice any other vehicle code violations on the vehicle other than the broken taillight that you remember?

Off. Sisco: No.

Sgt. Williams: All right.

Off. Sisco: At this time, I do not.

Yuwiler: Can we have just a very quick break?

Sgt. Williams: Sure.

Off. Sisco interview transcript (4-23-13)

Yuwiler: Thank you.

Sgt. Williams: I'll stop the recording. It is approximately 6:40 pm.

Sgt. Williams: It is approximately 6:44 and we're back in the interview.

Yuwiler: Thank you.

Sgt. Williams: No problem. Okay, so getting back to where we were. I asked you if you had observed any other vehicle code violations on the suspect vehicle from the time you first saw it leaving the Circle K parking lot to the time where you decided to do your traffic stop. I don't remember what your answer was.

Yuwiler: Objection, asked and answered, but you can answer it again.

Off. Sisco: I don't recall if I did or not.

Sgt. Williams: Okay. So you remember the one, the broken tail light.

Off. Sisco: I believe so, yes.

Sgt. Williams: Okay. Do you know if it was the right or left side tail light?

Off. Sisco: I do not. And I don't recall whether or not ... if it was a brake light or if it was just a working ... like a light. Like the stop lamp light? Like on the top, when you press your brakes, if it was the center one.

Sgt. Williams: So it could either have been a brake light that wasn't functioning properly or a tail light.

Off. Sisco: The light when you press and it's that light, the center. When you press on your brakes, you know that center light?

Sgt. Williams: Right. When you ... you say you saw the vehicle when it passed by you leaving the Circle K lot, and that's when you realized the tail light was out. Is there ... were they applying their brakes at that point, as it was passing you?

Off. Sisco: Yes, they were. They were driving in a very cautious manner around me.

Sgt. Williams: Okay. So you're not sure whether it was a brake light or a tail light, and you don't remember which side.

Off. Sisco: It could have been the center one, the one that's on, like the above the trunk, the center one. Like in your rearview window. The center one.

Sgt. Williams: And what was ... so it then pulls into the Flippin' Pizza, the vehicle stops, and the two people begin to get out of the car?

Off. Sisco: Just the one.

Sgt. Williams: Who began to get out?

Off. Sisco interview transcript (4-23-13)

Off. Sisco: [REDACTED]

Sgt. Williams: Which was the driver?

Off. Sisco: The driver.

Sgt. Williams: Okay. But before they stopped was when you decided you were going to do your traffic stop and you put it out on the air, you said?

Off. Sisco: Yes.

Sgt. Williams: Okay. What was your reason for the stop?

Off. Sisco: A fourth waiver compliance check of [REDACTED].

Sgt. Williams: What led you to believe that [REDACTED] was on probation?

Off. Sisco: I have previous knowledge that she was on probation with another officer checking that name or something along with another officer having that name. And after running her in SD law and seeing when her previous ... what her previous charges were and when they were, with my training and experience, most of the time it would most likely be that they would be fourth waiver with that.

Sgt. Williams: Anything else lead you to believe that the registered owner was on probation fourth waiver status?

Off. Sisco: Other than the previous knowledge that I knew that she was? No.

Sgt. Williams: Okay. Describe this previous knowledge you have regarding the registered owner and her fourth waiver status.

Off. Sisco: I had been informed at a ... and I don't recall when ... of her name of somebody wanted to do a traffic stop and then we have been ... we had gotten a radio call and went completely away from that.

Sgt. Williams: Okay. I think I understand what you're saying is that prior to this traffic stop of yours, you had some occasion with another officer and the other officer desired to do a traffic stop on the registered owner?

Off. Sisco: Yes.

Sgt. Williams: And then was prevented from doing a traffic stop on the registered owner because you guys got a radio call?

Off. Sisco: Yes.

Sgt. Williams: Okay. Who was the other officer that had desired ...?

Off. Sisco: I don't recall at this time.

Sgt. Williams: Okay. Were you riding in a police car with the other officer or were you in your own car when this happened?

Off. Sisco: In my own car.

Sgt. Williams: All right. So describe to me how this communication happened that in a different police car on this prior date the other police officer had this desire to make a traffic stop for a fourth waiver, but for whatever the reason was, but with knowledge that this registered owner was on fourth waiver, but then was unable to because they went to a traffic stop, how did that information get relayed to you?

Off. Sisco: I don't recall exactly, but an example of how ... of what I'm talking about would be if somebody was driving through ... and I don't know how they came about this exact information, but if they were driving through Plaza North and saw a vehicle, ran the plate, did all the check-up, but they weren't in the vehicle waiting for them to come out of CVS. Informing me over the phone or over the computer, somehow ... or either I was already in the parking lot and we were parked next to each other, they pulled up next to me. So I said maybe I'm going to do a stop on this vehicle, can you assist me? That way, I'm already there and she's a female, knowing that I'm a female going to search a female.

Sgt. Williams: Okay, that example you just gave me regarding being in Plaza North, that wasn't what happened here.

Off. Sisco: I don't recall exactly where this was. I just recall that it was in some kind of context of that, that I had come across that name before. It was that kind of context.

Sgt. Williams: Was it definitely in the Plaza North lot?

Off. Sisco: I don't recall.

Sgt. Williams: So you don't know where you were when you received this information that this other officer desired to stop the registered owner but was prevented to from because of going to a radio call?

Off. Sisco: No.

Sgt. Williams: You don't remember where.

Off. Sisco: No.

Sgt. Williams: Okay. And you don't remember what officer that was.

Off. Sisco: No.

Sgt. Williams: When did you learn of this information about the fourth waiver status of the registered owner?

Off. Sisco: I don't recall when that was.

Sgt. Williams: Was it over a month ago? Before this March incident?

Off. Sisco: Yes. It was before me pulling this vehicle over, because the name stuck in my mind as an unusual name.

Sgt. Williams: Okay. What I'm asking you is your traffic stop was on March 14th. Did you learn this information about the fourth waiver status of the registered owner within a month of your traffic stop? So between say February 14th approximately and March 14th, was it within that month that you learned or when was it?

Off. Sisco: I don't recall.

Sgt. Williams: Was it potentially within a month or two months, three months, a year? What span of time could you have learned this information over?

Off. Sisco: I honestly don't ... I don't recall. I don't remember when it was.

Sgt. Williams: Could it had been when you were in a training car?

Off. Sisco: No.

Sgt. Williams: So it was definitely after you got out of training?

Off. Sisco: Yes.

Sgt. Williams: Okay. But beyond that, you have no other way of focusing in on the date that you learned the fourth waiver status, or this intention of this other officer. You have no other way of focusing in that other than you know that it was after you got off probation, and it was before the March 14th traffic stop you made.

Yuwiler: Okay, when you say date, do you mean general time frame or a specific date?

Sgt. Williams: Well, I've asked for a date and I was told she didn't remember. Now I'm trying to at least narrow the field of potential dates.

Yuwiler: So you're trying to get a general time frame?

Sgt. Williams: I'm trying to narrow the ... I'm trying to bracket the two possible ends of this window of time. Does that make sense?

Off. Sisco: Yes, but I don't recall.

Sgt. Williams: Okay. I'm just trying to make sure I understand. You know you were off probation at least, and it was before the traffic stop on March 14th.

Off. Sisco: Yes, it was before.

Sgt. Williams: Do you remember when you got off probation ... when you got out of a training car? I'm sorry, not probation.

Off. Sisco: Not probation.

Sgt. Williams: Right.

Off. Sisco: Sometime in June or July.

Sgt. Williams: So June or July of 2012?

Off. Sisco: Yes.

Sgt. Williams: To 3/14 of 13. So sometime between June and July of 2012 when you got out of a training car, and then your traffic stop on March 14th of 2013. Sometime in there is when you learned from an unknown officer that that unknown officer had the intent to stop the registered owner for a fourth waiver violation but was prevented from doing that traffic stop because they got a radio call.

Off. Sisco: For a fourth waiver compliance check, not violation.

Yuwiler: Okay. And when you say unknown, you mean that she doesn't remember.

Sgt. Williams: Yeah, we don't know who that officer is.

Yuwiler: She doesn't presently remember who asked. That's correct.

Sgt. Williams: Do you have anything, to your knowledge, that isn't in this room but you may have access to that would help you recollect who that officer was?

Off. Sisco: No.

Sgt. Williams: And I think I already asked this but I want to make sure, just to make sure. You don't know where you were when you learned this information from this other officer?

Off. Sisco: No. At work at some place.

Sgt. Williams: Okay. Do you know what kind of radio call ... were you both sent to the same radio call? The radio call that prevented this officer making this traffic stop? Were you both sent to this radio call?

Off. Sisco: I don't remember.

Sgt. Williams: Okay. Do you remember what kind of radio call this other officer was sent to that prevented them from making this traffic stop?

Off. Sisco: No, I don't remember.

Sgt. Williams: Do you remember if you were working during the daytime or the nighttime when this officer desired to make this traffic stop?

Off. Sisco: I don't remember.

Sgt. Williams: Do you know if you were working on the same shift of the officer that desired to make this traffic stop but was prevented to from going because of this radio call? Were you assigned to the same shift as this officer? Do you recall? Or was the officer assigned to a different shift?

Off. Sisco: I don't remember even who the officer was. I don't remember.

Sgt. Williams: You have no recollection at all.

Yuwiler: Objection. Asked and answered.

Sgt. Williams: Regarding how you learned of this person's fourth waiver status.

Off. Sisco: They told me.

Sgt. Williams: Somebody told you.

Off. Sisco: Somebody told me.

Sgt. Williams: Okay.

Off. Sisco: Another officer. We do this all the time, so it's just another ... we've done it so many times, I don't know which officer told me. I've done with all the officers, I don't remember.

Sgt. Williams: Okay. Do you remember ever seeing Miss ... the registered owner, [REDACTED] Do you ever remember seeing her before March 14th?

Off. Sisco: In person?

Sgt. Williams: Yes.

Off. Sisco: No.

Sgt. Williams: Okay. Have you ever dealt with her prior to March 14th that you know of?

Off. Sisco: Not that I know of.

Sgt. Williams: All right. Had you ever personally conducted any type of computer check that specifically showed that Ms. [REDACTED] was on fourth waiver probation?

Off. Sisco: Not that I know of.

Yuwiler: You're talking about prior to this date.

Sgt. Williams: I'm talking yes, prior to the traffic stop.

Yuwiler: Thank you.

Sgt. Williams: My question is prior to the traffic stop, did you personally conduct any computer inquiry that revealed to you that the registered owner, I think it's [REDACTED], was on fourth waiver probation?

Off. Sisco: Prior to this date?

Sgt. Williams: Prior to your traffic stop. At any time prior to your traffic stop, did you personally conduct any computer inquiry that revealed to you that the registered owner, Ms. [REDACTED], was on fourth waiver probation?

Off. Sisco: I pulled up SD law and pulled up her ... all of her prior charges and her last arrest. I don't believe that I pulled up the ... I don't know exactly which one is called which, but the one that says fourth waiver on it, I don't believe I pulled that up, no.

Yuwiler: He's talking about prior to this date. Prior to the date of the traffic stop.

Sgt. Williams: Any time prior to the traffic stop.

Off. Sisco: I don't believe that on my computer I have pulled it up, no.

Sgt. Williams: Okay. Do you know of anyone that did?

Off. Sisco: Have I personally seen somebody pull it up? No. I was informed by looking at her picture and seeing the thing she was fourth waiver.

Sgt. Williams: Okay. You said you don't remember seeing anyone else pull her fourth waiver status up, information in front of you, right?

Off. Sisco: It's not my practice to usually say let me see the EJIMS that shows fourth waiver. I usually will believe what the other officer is telling me, and usually we'll just look at the picture so we know who is who we're looking for, rather than ... I usually will trust in the officer that what they're telling me is true, that they looked it up, that they're fourth waiver.

Sgt. Williams: Just to keep ... because I want to make sure I understand what you're saying. Let's just focus on the issue around this person and this incident, and not about other things, because I don't want what you're saying to me, for me to apply it to this situation when you mean in general terms, okay? So let's just focus on this incident.

Yuwiler: Well, but she ... in fairness, she may do something in a particular practice. If she does it in the practice, then it's likely she did it in this case, even if she may not specifically remember if she did it in this case.

Sgt. Williams: I'm looking for what she remembers at this point.

Yuwiler: Well, I appreciate that. But I'm not sure that it's fair to tell her I don't want to hear some other piece of information that might be relevant.

Sgt. Williams: I didn't say that. I said I want to focus in on her recollection regarding this incident and this person. That's what I want to focus in on.

Yuwiler: But you asked her ... okay. When you asked her a question about this person and a different incident, so again, I think we'll just take it question by question, but I think she should answer the question however she feels it's appropriate to answer the question.

Sgt. Williams: So make sure I understand what you're saying. You don't remember any other officer running up the registered owner, Ms. [REDACTED] and showing you that they're on fourth waiver. That she was on fourth waiver.

Yuwiler: You mean just the portion that says fourth waiver? As opposed to something else.

Sgt. Williams: Yes. I'm asking about fourth waiver.

Off. Sisco: I have never seen on the computer the actual part that says fourth waiver status, no.

Sgt. Williams: Okay. Do you know of any other officer that ran up Ms. [REDACTED] at all?

Off. Sisco: I'm confused at whether or not we're talking about this or we're talking about in the past.

Sgt. Williams: I'm talking about prior to the traffic stop. Do you remember anyone prior to the traffic stop running up Ms. [REDACTED] at all?

Off. Sisco: Somebody had pulled up [REDACTED]'s picture and showed me the picture before and told me that she was fourth waiver. How they came about that information, I did not ask.

Sgt. Williams: Okay. At this unknown time with this officer, we don't remember who it was, that officer is the one that showed you the picture of Ms. [REDACTED] and said she's on fourth waiver status?

Off. Sisco: Saying that they were going to conduct a fourth waiver traffic stop. Or a fourth waiver search. In my opinion, that would mean that they looked her up they knew she was a fourth waiver, and that's what I'm doing. I'm there to assist them. That's how it came up. That's how I became aware she was on fourth waiver.

Sgt. Williams: Did the officer that did that show you a picture of Ms. [REDACTED]?

Off. Sisco: I believe so. I'm not positive, but I believe that they have the picture up, yes.

Sgt. Williams: On a computer?

Off. Sisco: Yes.

Sgt. Williams: So your recollection is that you saw her picture on the computer, not on a printout?

Off. Sisco: My recollection is more so that I remember her name.

Sgt. Williams: Versus what?

Off. Sisco: Versus pictures. Well, even when I went to go run her right prior to the traffic stop, the name clicked to me.

Sgt. Williams: Okay. Do you remember seeing her picture at any time prior to the traffic stop?

Off. Sisco: I don't believe it. I don't remember if I did or not.

Sgt. Williams: Okay. Okay. So let's go back to your reason for conducting the traffic stop on this vehicle when you did it. You said the reason why you did the traffic stop was to do a fourth waiver compliance check on the owner.

Off. Sisco: Yes.

Sgt. Williams: Okay. And now explain to me again what information you had that made you believe that the owner was on probation fourth waiver status.

Yuwiler: Objection. Asked and answered.

Off. Sisco: Being previously told that she was on fourth waiver and with my training of all the other narcotic arrests that I have done and all ... and constantly running everybody on SD law, it's my practice and my training to usually realize that, in an example, if they were to have an arrest in 2013 of possession of meth, possession of heroin, possession of paraphernalia, most of the time there's a high likelihood that they're going to be fourth waiver. And with my prior knowledge and running and seeing a previous arrest for that, I believed she was still on fourth waiver.

Sgt. Williams: Okay. So anything else that led you to believe she was on fourth waiver?

Off. Sisco: I do not recall if I did this or not. I've done it previously with other stops. I don't recall if I messaged the name to dispatch and asked them to run it for me real quick. I've done it on previous ones, so at this moment I don't know if I did that, but that is something that I have done previously with many other people that I've done, so I don't know if I happened to do that with her or not and gotten a return saying she was fourth waiver.

Sgt. Williams: Okay. So you don't know if dispatch ran her before your stop?

Off. Sisco: Yes. I don't know if over the instant messaging if I asked them to do that or not. There are times that I do ask them to do that.

Sgt. Williams: All right. When you made this traffic stop, did you know that the ... did you believe that the registered owner was in the vehicle?

Off. Sisco: Yes.

Sgt. Williams: What made you believe that the registered owner was in the vehicle?

Off. Sisco: The picture that I was looking at and seeing her in the passenger seat.

Sgt. Williams: What picture are you referring to?

Off. Sisco: The picture in EJIMS, SD law that ... the booking picture.

Sgt. Williams: All right. So when a car passed you, you ran the plate, still while in the parking lot before the stop you brought up the booking picture on EJIMS and you saw the picture of the registered owner, and you said that's the person that was in the passenger seat?

Off. Sisco: Yes.

Sgt. Williams: Okay. And that was before the stop.

Off. Sisco: Yes.

Sgt. Williams: All right. Okay. So just to summarize and make sure I didn't miss any of it. The information that you had that led you to believe that the registered owner was on fourth waiver was that you were told by that officer that the registered owner was on fourth waiver, and you saw in EJIMS that the registered owner had prior drug arrests ... arrest or arrests, and your experience is that drug arrests will lead to fourth waiver status?

Off. Sisco: Certain ones, yes.

Sgt. Williams: Okay. And then you don't remember if dispatch ran the registered owner before the stop or not?

Off. Sisco: Yeah. Not over the air, over a message.

Sgt. Williams: Okay. Okay. Going to your report, do you have a copy of it there? Under the synopsis part, you say on 3/14/2013, at approximately 21:03 hours I observed a male, later identified as [REDACTED], get in the driver's seat of the above vehicle. Being the suspect vehicle. Do you remember that?

Off. Sisco: At this time, I don't recall if I ... I don't recall seeing him get in the driver's seat of the vehicle.

Sgt. Williams: Okay. I then observed a female, later identified as [REDACTED] get in the front passenger seat of the vehicle. Do you remember seeing that?

Off. Sisco: At this point, I don't recall if I remember seeing her actually get in the front seat of the vehicle.

Sgt. Williams: Okay. The California license plate, and you give it, was registered to [REDACTED]. Based on what you told me, you learned that after the car passed you and was continuing southbound through the lot.

Off. Sisco: I believe so.

Sgt. Williams: Okay. EJIMS revealed that [REDACTED] was affirmative fourth waiver. Do you remember that EJIMS revealed that to you?

Off. Sisco: This is my mistake and I should have put in here that I had previously been informed that EJIMS had revealed that. This was my mistake by not using the correct language and putting in the correct words.

Sgt. Williams: So is it ... when you say EJIMS revealed that [REDACTED] was affirmative fourth waiver, is that accurate?

Off. Sisco: That I ... it should have been that I was informed previously that EJIMS had revealed that. I have not personally seen that, no, and I did not run the actual part that said EJIMS said that she was on fourth waiver.

Sgt. Williams: You didn't do that?

Off. Sisco: My mistake was this read correctly in my mind because I understood what I was thinking, but this doesn't read correctly to what somebody else is going to understand.

Sgt. Williams: Okay. Where in EJIMS would it say that somebody is on affirmative fourth waiver?

Off. Sisco: I believe ... that's on ... I'm not sure if it's called ... what it's called when you click on it and then you run their names and then it comes up with this sheet. You have to like run their names and then you find their social security number and then it would say next to it if it's fourth waiver. You can do it all under when you go under SD law and you just click on a different part of it. Instead of clicking on where you look at the booking picture, you can click somewhere else and do that.

Sgt. Williams: Right. Where the booking picture is EJIMS. That is EJIMS. Are you saying it in where the booking picture is there's information on fourth waiver status?

Off. Sisco: No. So the main screen where you pull up ... where you can do inquiries of warrants and stuff. You know how there's that whole screen of where you can click on other things? Like you can click on if you want to look at booking pictures, you can click on if you want to do a search of warrants. Do you know what I'm talking about?

Sgt. Williams: Yeah, like the SD law face page?

Off. Sisco: Yeah, the SD ... that's ... yeah, and so then there's one where you can click on I thought it was called EJIMS. Maybe it's not called EJIMS. That you click on and you run the name and it would show you all these names, and then you would verify the social. I would normally verify the social from this booking picture to the social that's on that list, and then it will show whether or not they're fourth waiver.

Sgt. Williams: Okay. How frequently not dealing with this registered owner, but how frequently prior to this traffic stop, on average do you think that you would actually do those inquiries that would reveal people being on fourth waiver status or not?

Off. Sisco: Prior to me getting locked out of my account because my password expired or I did the wrong password too many times, I was doing it frequently.

Sgt. Williams: And when do you estimate or do you remember the date when you got locked out of this system that would have allowed you to have access to fourth waiver status?

Off. Sisco: It was a good ... a little while ago, I don't remember.

Sgt. Williams: Could it have been as far back as September?

Off. Sisco: It's possible. I don't recall. I just know I haven't used that actual part in a long ... in awhile.

Sgt. Williams: So you've been locked out of the fourth waiver status ... you've been locked out of the computer database that would allow you to have access to fourth waiver status returns for quite awhile?

Off. Sisco: Yes.

Sgt. Williams: Okay. Have you been ... have you at any time logged ... since you've been locked out of that account, have you logged on and accessed that information using anyone else's log-on information?

Yuwiler: Where she's doing the login or where she's asking someone else to do it?

Sgt. Williams: No, I'm asking where you ...

Off. Sisco: No.

Sgt. Williams: Okay. Going back to your report on line 10 of page 5, you say that EJIMS revealed [REDACTED] was affirmative fourth waiver. I located a picture of [REDACTED] on EJIMS. I recognized the passenger of the vehicle, the registered owner of the vehicle, to be [REDACTED] due to the picture I located on EJIMS. You observed Kulic drive from the Circle K, across the parking lot to Flippin' Pizza. [REDACTED] parked the vehicle. I then conducted a traffic stop to conduct a fourth waiver compliance check for [REDACTED]. I approached the vehicle, and that's when you made contact with them.

Off. Sisco: Yes.

Sgt. Williams: Okay. Going down to the investigation part, line 35, you say I told [REDACTED] and [REDACTED] I stopped the vehicle to do a fourth waiver compliance check for [REDACTED]. [REDACTED] stated she was on probation and had an affirmative fourth waiver status. Did she tell you she was on fourth waiver before you told her that you were checking her fourth waiver compliance check? Or was it vice versa?

Off. Sisco: I walked up to the vehicle. After speaking with him, I looked in and I said ... backing up, I had asked him if he was on probation. He said no. I looked at him

and said [REDACTED], you're on probation, right? She goes yeah. I said are you fourth waiver? She goes yeah. So my practice is not to walk up and act like ... I don't want them to know that I already know. I try to find whether or not someone is going to tell me the truth or lie to me, so I did not walk up and say you're on fourth waiver. I walked up and asked her if she was.

Sgt. Williams: Okay. You say that you walked up to the vehicle, to the driver's side of the vehicle, and I told [REDACTED] and [REDACTED] I stopped the vehicle to do a fourth waiver compliance check for [REDACTED].

Off. Sisco: This is incorrect. Out of sequence. That should be later on. I did not initially even tell them why I was talking to them. When I approached the vehicle, he was getting out and I said hey, you mind just sitting there real quick while I can talk to you real quick? So I didn't even necessarily walk up and say I'm stopping your vehicle. It was just more of making conversation with them, and after he asked me why ... after I had already asked these questions, he asked why I was speaking with them, and I told them that I was doing a fourth waiver compliance check.

Sgt. Williams: Okay.

Off. Sisco: So I put this out of ... this is not in the correct order, but it happened.

Sgt. Williams: Okay, so later on in the conversation you told them that you were doing a fourth waiver compliance check. After [REDACTED] stated she was on probation.

Off. Sisco: Yes.

Sgt. Williams: And then do you remember telling either [REDACTED] or [REDACTED] that you stopped them for a vehicle code violation?

Off. Sisco: I did not. I did not stop them for a vehicle code violation, so I did not tell them that I was stopping them for a vehicle code violation.

Sgt. Williams: Okay. Why didn't you stop them for a vehicle code violation if you saw that the brake light or tail light was out?

Off. Sisco: Because I was in a private parking lot that was going to be used as the PC as they were going to be exiting, on top of the fourth waiver compliance check. That was going to be something more for me to use as they were out of the parking lot. They did not pull out of the parking lot.

Sgt. Williams: Okay. Do you remember after this arrest you were in the ... on the same day, March 14th, you were in the evidence processing area and Sergeant Beronda discussed with you this stop?

Off. Sisco: In the evidence room?

Sgt. Williams: Evidence packaging room.

Off. Sisco: After I had already booked him. Possibly I might recall that after I had already booked him into ... I believe I spoke with him after ... yeah, after I had already booked him into jail. I believe ... I very vaguely remember speaking ... I remember speaking with him, I don't recall where it was at.

Sgt. Williams: Okay. Okay. Do you remember what you told him was your reason for stopping the vehicle?

Off. Sisco: I remember speaking with him in the report writing room and talking to him about it that way. And I remember him bringing up to me later about it, but I don't recall what was said when.

Sgt. Williams: Do you remember telling Officer ... or Sergeant Beronda when he asked you about the stop he asked you about the stop and you said that you had seen the vehicle driving through the parking lot and you observed a couple of equipment violations on the vehicle so you stopped it?

Off. Sisco: I remember speaking with him at one point, and I believe it was when I was doing the clear to book before, about my PC for the stop.

Sgt. Williams: Okay. When you were discussing your PC for the stop to Sergeant Beronda, do you remember telling him that you stopped the vehicle because of vehicle code violations?

Off. Sisco: Violations? No. I remember saying that there was ... that I remember mentioning the brake, but that was not what I told him my full PC for the stop was. No.

Sgt. Williams: Okay. When Sergeant Beronda states that when you first began speaking about your reason for the stop, you told him that you stopped the vehicle because of equipment violations that you had observed on the vehicle. You don't remember telling Sergeant Beronda that, is what I'm hearing you say?

Yuwiler: Objection. Assumes facts, also incomplete hypothetical. But I don't have a problem with the question if you're asking her does she recall saying ... making that statement.

Sgt. Williams: That's what I'm asking.

Yuwiler: I'm just objecting to the preface to it.

Off. Sisco: Are you asking if I said violations, or are you asking if I actually specified violations?

Sgt. Williams: I'm asking you if ... did you tell Sergeant Beronda that you stopped this vehicle because you observed equipment violations on the vehicle?

Off. Sisco: That's not all of it. That's not all that I said, no.

Sgt. Williams: Do you remember telling him that, though?

Off. Sisco: I remember ... like I said in my report, I remember saying that I had seen the brake light. I was cut off, and I was told that you can't stop, and I said I know. I was doing a fourth waiver compliance check, and you said okay, I'm just ... I do also remember saying that there was no license. If we're talking about that as also being a vehicle code violation. I mentioned that there was no brake light, and that after speaking with him, he had informed me that he didn't have a license. That was me starting to go through my whole process. He stopped me and said well, you can't do ... stop for that. This isn't word for word. This is what I recall. I informed him that there was a fourth waiver compliance check is what I was doing. That was going to be my ... more of my PC, had they pulled out of the parking lot.

Sgt. Williams: So what I'm hearing you say is that you told Sergeant Beronda that you stopped the vehicle for the tail light, and then he interrupted you and said that you can't do that in a private parking lot. Is that right?

Off. Sisco: I didn't tell him that I stopped the vehicle for that reason. I was telling him a summary of my stop. To do the clear to book.

Sgt. Williams: Okay. What's your reason for telling him about the vehicle code violation on the vehicle?

Off. Sisco: We have to now explain a summary of our stop to be able to be clear to book them into VDF now. Prior to taking them. That's the new instructions. So as I usually would do with all my other ones, I give them a summary from ... a real quick synopsis of beginning to end of why I conducted a stop and what all went down, and that was my summary of the beginning to the end.

Sgt. Williams: Okay. So ... do you have an understanding of why you have to explain that to a supervisor?

Off. Sisco: So that we're not doing false arrests.

Sgt. Williams: Okay. So is it kind of like a ... do you understand it as kind of like a check? Like a supervising checking to make sure that you have probable cause for what you're doing?

Off. Sisco: Yes.

Sgt. Williams: Okay. So when you're explaining this to Sergeant Beronda for that reason, what would be your reason for telling him about the equipment violations on that vehicle?

Yuwiler: Objection. Asked and answered. She already told you what her rationale was.

Sgt. Williams: I don't understand it.

Yuwiler: Well, you don't have to understand it.

Sgt. Williams: Well, I'm trying to understand it.

Yuwiler: Okay, I appreciate that. But she did tell you. She did answer the question whether you understand it or not.

Sgt. Williams: She's been asked the question, she needs to answer the question. What was your reasoning for telling Sergeant Beronda about the traffic ... the vehicle violations?

Off. Sisco: I was giving him a synopsis from the beginning till the end of my stop.

Sgt. Williams: Okay. When you told him that, did you believe that that gave you probable cause for this stop?

Yuwiler: What's the that in that sentence?

Sgt. Williams: Do you believe that the fact that you observed the vehicle code violations provided you probable cause for the stop?

Off. Sisco: Outside of the parking lot? Yes. Not inside, no.

Sgt. Williams: Okay. Sergeant Beronda states that he educated you regarding when vehicle code violations would apply in a parking lot versus on a street. Do you remember him doing that during this conversation?

Yuwiler: Objection. Calls for speculation and an incomplete hypothetical as to what Sergeant Beronda did or did not say. But if you're asking the question whether or not she recalls Sergeant Beronda using the term educating, I'm not sure what that means in this context. But if you want to ask what the nature of the conversation was, she's already explained it, but she can probably explain it again.

Off. Sisco: I recall, and I believe this is kind of a real quick summary of what was said, there was a very quick conversation of hey, you do realize that you can't arrest him for

... or you don't have probable cause for somebody for a brake light or not having a brake light ... or, this is what was said, for a brake light in the parking lot, and I said I do know that. I did ask him if ... and this had nothing to do with PC from my stop because I did not know this until after I had spoken with him, I did ask him to be educated on whether or not you can drive through a parking lot without a license. He did educate me on that. With the brake light, I was not educated. That was a hey, do you know, and I said yes, I did the stop for a fourth waiver.

Sgt. Williams: Okay. So my question is before this traffic stop and your discussion with Sergeant Beronda, did you know that you could not enforce a broken tail light in a parking lot, or did you learn that during your discussion with Sergeant Beronda?

Off. Sisco: I already knew the parking light. I already knew that.

Sgt. Williams: Okay. Then during your discussion with Sergeant Beronda, after the discussion about the vehicle code violation and whether it applies in a parking lot, Sergeant Beronda says that you had told him that the passenger was on fourth waiver and that he asked you how you knew that information. Officer Sisco told me that she ran the vehicle plate, ran the registered owner on EJIMS, and confirmed that the passenger was the RO and was on probation with a fourth waiver. Do you remember telling Sergeant Beronda that?

Yuwiler: Objection. Incomplete hypothetical and calls for speculation, but I don't have a problem with it. It's also compound, but I don't have a problem with if she recalls telling Sergeant Beronda something to that effect.

Off. Sisco: I remember saying I ran the vehicle, ran the plate, and that she was on fourth waiver. I don't remember saying it exactly like that. I don't remember saying it exactly like that, but I do remember giving the real quick ... the conversation that me and him had was a very quick conversation, and it was ... I remember saying oh no, I know, because I ran the plate and ran her in EJIMS and knew that she was on fourth waiver. I did not say I then went into this and checked this and then I checked this. I did not do that.

Sgt. Williams: Okay. So when Sergeant Beronda says that you did say that you ran the plate and you ran the registered owner on EJIMS to confirm that the passenger was the RO, and that she was on probation with a fourth waiver, is Sergeant Beronda not being accurate?

Yuwiler: First of all, it calls for speculation and assumes facts. It's also compound and it also misstates the prior responses.

Sgt. Williams: Okay, I'm trying to understand. Is Sergeant Beronda when he relays that information to me, is he being accurate about your conversation or are parts of that inaccurate?

Yuwiler: Maybe you want to take it in pieces withstanding objections.

Off. Sisco: I don't know what ... I don't know what he took from the conversation and what I said. I know that there are many times somebody says something to me and what they're saying to me and what they're actually meaning can mean two different things. I don't know how he applied what I was saying.

Sgt. Williams: Okay. Did you tell Sergeant Beronda that you ran the vehicle plate?

Off. Sisco: Yes.

Sgt. Williams: Did you tell Sergeant Beronda that you ran the registered owner in EJIMS?

Off. Sisco: Yes, to get the booking photo.

Sgt. Williams: You did tell him that is what you're saying?

Off. Sisco: Yes.

Sgt. Williams: Did you tell Sergeant Beronda that you confirmed that the passenger in the vehicle was the registered owner?

Off. Sisco: Yes.

Sgt. Williams: Did you tell Sergeant Beronda that you confirmed that the registered owner was on fourth waiver status?

Off. Sisco: I did not say that I confirmed it. I said I knew she was on fourth waiver.

Sgt. Williams: Okay.

Off. Sisco: I don't believe I said that. I confirmed it.

Yuwiler: I guess I should also be concerned that it sounds to me like the conversation that Sergeant Beronda is having or that they're having may be a violation of Government Code Section 3303.

Sgt. Williams: Okay. So when you did this compliance check on the registered owner for fourth waiver status, did you know that she was on fourth waiver?

Off. Sisco: I believed she was, yes.

Sgt. Williams: For the reasons we already stated.

Off. Sisco: Yes.

Sgt. Williams: Do you think, after reading your report, does your report accurately reflect what happened out there that day?

Off. Sisco: There are things that I could change about my report and there are things that I would put in a different order. And there are things, words I might change to accurately portray it to somebody else. In my mind, I understand what's going on. But it could be portrayed incorrectly to somebody else if they were not there.

Sgt. Williams: Okay. Something that's troubling to me, and it seems to be pretty important, is that you remember on one occasion being told by an officer that a person was on fourth waiver status, and that person you never had contact with before, but you remember that person's name and recognize it right away when you ran the vehicle plate in the parking lot that day. But you don't remember the officer's name who you work with on, assumingly, on a somewhat deep, regular basis. Is there a reason that you can think of or that you may believe that you can't remember the officer's name but you can remember the person's name that you were told one time?

Yuwiler: Objection. Argumentative as phrased. And it is argumentative the way it's phrased. It's also compound. But if the substance of your question is why does she believe she remembers the subject's name, then you can certainly ask her that question.

Sgt. Williams: I need you to answer the question I asked you. Do you know of a reason why you don't remember the officer's name but you remember the person's name? Is there anything about it that makes it one thing more memorable than the other?

Off. Sisco: I remember [REDACTED] for the exact fact, and this is just how I remember things, when I was told that name, I was thinking it was going to be a male. I don't often hear a name of [REDACTED] and the unique name of [REDACTED] and I don't often hear a female named [REDACTED] so that stuck into my mind of oh, this is [REDACTED], that's a female? I was ... initially had thought that it was going to be a male, so that's why that stuck in my mind.

As to not remembering the officer's name, I probably run and look at people on SD law every ... not every. A large amount of cars that I run, and to my practice I usually will run a plate, run them in SD law. Very often that's what I would do before I would even stop a car. So I also do that when we're speaking with other officers, when I run plates. A lot of us do that. And so which officer it was, at what time and all that, I don't recall because this is ... this scenario of looking at somebody going to do a fourth waiver compliance check, going to other calls,

getting called away, that's happened to me numerous times. So I don't recall who it was with, I've had numerous partners since I've been out on my own. I've been on a couple different shifts. I believe that I was on D-2 or ... I think I was on D-2, E-1 and E-2 since I've been on my own. So remembering who I worked with and all that, that's three out of the four shifts. I don't recall who it was with.

Sgt. Williams: Okay. When we talked about the reasons and the things that ... information that led you to believe that [REDACTED] was on fourth waiver status before you made the stop, one was the information you received from this officer, and the other was that when you looked in EJIMS and you saw a drug arrest for Ms. [REDACTED], it led you to believe that she was likely on fourth waiver, right?

Off. Sisco: Yes.

Sgt. Williams: All right. I'm trying to figure out what your understanding is of the system after the arrest. The criminal justice system. Are you aware of anything that might prevent somebody who is arrested for a drug offense from ultimately ending up on probation?

Off. Sisco: Not being convicted of it.

Sgt. Williams: Is that it?

Off. Sisco: That I can recall right now, yes.

Sgt. Williams: Okay. Are you aware that sometimes when people get arrested the cases aren't filed?

Off. Sisco: Yes, that's what I mean by not being convicted of it.

Sgt. Williams: Then when people are convicted of drug arrests, are they always placed on fourth waiver status?

Yuwiler: Objection. Misstates her prior responses, but I think you're asking it just as an initial question and foundation. If you understand the question, you can answer.

Off. Sisco: I don't know.

Sgt. Williams: Okay. So you don't know if people that are convicted of the drug offenses are always placed on fourth waiver.

Off. Sisco: Always, I don't know.

Sgt. Williams: Okay. And you're aware that people that are arrested for drug offenses aren't always convicted.

Off. Sisco: Yes.

Sgt. Williams: So what made you believe that because she had been arrested for a drug offense, she would be on fourth waiver?

Off. Sisco: I said that was also with my previous knowledge of already knowing. Of an officer telling me that she was fourth waiver.

Sgt. Williams: I understand the one reason you said with the information you received from the officer, but you said that this also caused you to believe that. I'm trying to understand why that would cause ... why knowledge of an arrest would cause you to believe that she was on searchable probation.

Off. Sisco: It's the totality of it. Not one by itself or one by itself. It was the totality of it. Also with my DRE class, that's mentioned. Also with my internship that I did with the DEA before coming here, that was also something that was mentioned to me.

Sgt. Williams: Okay. Do you remember either in the academy or in a training car or even after being in the training car, receiving any training on fourth waiver probation status, fourth waiver searches?

Off. Sisco: Did we just routinely do them in training cars? Yes.

Sgt. Williams: Okay. When you were in a training car, did you receive training on what fourth waiver meant?

Off. Sisco: It means that they had given up their fourth amendment right.

Sgt. Williams: Okay. Do you remember any training officer or in the academy them discussing how to conduct a probationary search?

Off. Sisco: I don't necessarily recall that, no.

Sgt. Williams: Okay. Do you remember anyone in your training ever tell you that you should confirm somebody's probationary status before you search them pursuant to being on probation?

Off. Sisco: Prior to searching, yes.

Sgt. Williams: Okay. Why would you ... what's your understanding on why you would confirm somebody who is on probation before searching them?

Off. Sisco: I don't understand your question.

Sgt. Williams: You said that you understand that before searching somebody that's on probation on fourth waiver, that you should confirm that before you search them.

Off. Sisco: If they've not given you consent, yes.

Sgt. Williams: Okay. So what's your reason for believing that that's important? What makes you believe that that needs to be done?

Off. Sisco: So we're not violating their rights.

Sgt. Williams: Is your training and your belief that you should also confirm somebody's probationary status before you detain them or conduct a traffic stop?

Off. Sisco: Confirm it through dispatch? I believe that with the knowledge of knowing that she was on it, that I could conduct a traffic stop.

Sgt. Williams: Okay. So it's your belief that what you did in this case, you sufficiently determined that she was on probation, fourth waiver probationary status, prior to the traffic stop.

Off. Sisco: I believe there's probably more I could have done, and I'm not saying that this is perfect, by no means at all. But what I'm saying is at the time I thought that I had enough knowledge to do that, yes.

Sgt. Williams: Okay. You had enough knowledge to do what?

Off. Sisco: I had ... I was told that she was fourth waiver, I told that she was going to ... when I was told that she was on fourth waiver, they said that she was on ... I was told that she was on it for a long time, so I believed she was going to be on it for awhile. Like it wasn't like ... I don't remember exactly what I was told, which is an issue. But I remember being told that yes, she's fourth waiver, she's going to be on it for awhile, you should watch out for her. I believe I was told that because it was probably when I was working north because I haven't worked South by myself except for now. She's from Oceanside, and all that I think took into place the circumstances behind it. So I believed that she ... because I had been told, although I should have verified it myself, I was told that she was fourth waiver, I believed that officer, and so I believed at this point that she was still fourth waiver.

Sgt. Williams: Okay. In your report, I didn't see anywhere in your report that you put any information in regarding your prior information that you had received from this officer. Did you?

Off. Sisco: No.

Sgt. Williams: It's not in the copy that I have or that I gave you guys a copy of what I have. Is it in there?

Yuwiler: Objection. Argumentative and the document speaks for itself.

Off. Sisco: No. I said there was things I wish I would have changed all this report, looking back on it now, and that's one of them when it says on line 10, I wish I would have included that previous knowledge of it. It implied in my mind, I knew what I was talking about. In my mind, I knew that it was previous when I was writing this. It was what made sense to me, and now, reading back on it, that's one of the things I would change. That somebody, as you, or somebody else might look at it and think well, that's ... what are you talking about? You mean right now? They're like no, no, no, that's previous. But that doesn't sufficiently portray that to you.

Sgt. Williams: Okay. Do you remember telling Sergeant Beronda when you had your discussion on March 14th after the arrest regarding probable cause, do you remember discussing with Sergeant Beronda at all the information that you had received from this other officer prior to the stop?

Off. Sisco: No.

Sgt. Williams: You did not tell him? Is that what you're saying?

Off. Sisco: I don't recall telling him, no.

Sgt. Williams: Okay. Did you document this in ... to your recollection, in this case or in any other case, did you document the information you received from that other officer? Is it documented anywhere?

Yuwiler: Objection. Vague and ambiguous. The information referring to this particular driver ...

Sgt. Williams: Right. The information you received from the officer stating that this registered owner was on fourth waiver status that you've been referring to. Did you document that discussion and that information anywhere in this case?

Off. Sisco: No.

Sgt. Williams: Okay. Did you document it in any other case that you can recall?

Off. Sisco: I've not had any other cases that I can recall that has to do with her.

Sgt. Williams: Okay. That's all.

Lt. Mendes: Just a couple questions. Sergeant Williams asked you some questions about the confirmation of the fourth waiver prior to searching. Let me ask you this question. Based on your training and experience through the academy, if you did a search on someone who you suspected to be on fourth waiver but they weren't, do you know what the consequences would be?

Yuwiler: Objection. Calls for legal conclusion. But if you have a belief you can certainly answer the question.

Off. Sisco: I do not know.

Lt. Mendes: You don't know. Do you know ... you did not receive any training or have any knowledge from your training officers or from anyone at the academy on what the consequences are making a search, a fourth waiver search, a parole search, that you thought that you knew that they were on probation, as you stated in this case, when in fact it may not exist? You don't know what the legal consequences are?

Yuwiler: Same objections. Also asked and answered. You can answer the question if you understand.

Off. Sisco: I may have received training on it. I don't recall. I don't recall what was told to me, but I also don't believe that I would do a search of a vehicle without knowing if they're affirmative fourth waiver.

Lt. Mendes: Okay. I have other questions, I think they'd be mostly speculative and raise the ire of Mr. Yuwiler with respect to where that would go.

Yuwiler: No ire here. Just making my objections for the record.

Lt. Mendes: Then let me just go right back to the beginning. You have your report in front of you. Maybe if you refer to the first page, and tell me what time the stop occurred?

Yuwiler: You're talking about the first page of the narrative or first page of the ...

Lt. Mendes: First page of the entire report? Where you have the time of your stop.

Off. Sisco: The time of the stop was at 21:03.

Lt. Mendes: And Sergeant Williams asked you some questions about lights, and I just wanted to kind of split the hairs here. He just talked about lights in general. Is it possible that you may have used your spotlights to avoid [inaudible 0:58:51] may have been dark at that time?

Off. Sisco: I don't recall, but the parking lot right there has lights, so I don't ... I believe at some point I probably did turn my spotlights on. Until recently, until we were told not to leave our cars on, I was leaving my car running, even if I was going to grab something to eat. It was ... there's a good chance that I left ... that my car was on so my headlights were on. A lot of time I do forget to turn my spotlight on, so I don't believe I turned my spotlight on because it was such a quick like oh crap, he's getting out of the car. So I just kind of got out real quick. I didn't want him walking away because it was more of like ... he was very trying to go walk away when I didn't understand where he was walking because everything was closed. So it was more why is he leaving, and so it was more me trying to catch up to him real quick, rather than worry about turning my lights on. That's something I also could have done later.

Lt. Mendes: Okay. Then this last area that I want to ask you ... two more areas I want to ask you about. The lights, the probable cause, you said you were giving the summary to Sergeant Beronda what your PC was as required. Apparently, that has changed. That's the statement that you had given to Sergeant Williams, that you gave a summary of your stop.

Yuwiler: A summary of the stop is what she said. Not a summary of the probable cause.

Lt. Mendes: Right. Okay. But you were giving a summary of the stop because you need to have his consent to do booking, is that correct or am I wrong?

Off. Sisco: We haven't always done that. I don't know if I was ... all shifts have always done that, or we haven't. I personally until recently haven't done that, so exactly what we're supposed to tell them has never been made clear because they're always like if anybody down there doesn't really understand exactly what we're supposed to tell them, so everybody does it differently. People say check the box. People say stop this car real quick, that's it. I say a brief summary of my whole thing. And so that's what I was doing.

Lt. Mendes: You've never been told that that summary needs to include probable cause, your probable cause for the stop, and that is the litmus test for the sergeant to clear you for booking? Have you ever been told that?

Yuwiler: Okay, I don't have a problem with the last portion of the question. Have you ever been told that, as opposed to this purported summary, you've never been told that. So if the question is have you ever been told that, have you ever been told that, that's what the sergeant is looking for?

Off. Sisco: We have been told to give them our PC dec. That's what I was doing was giving them a quick summary, including my PC, but I was very brief. I was stopped right after I had said that, and then continued on with it. And there's a chance that when I was telling him everything, I just kind of went over it real quick because I

had thought that he was there the whole time, in the office the whole time while I was there, and I thought after talking about it with everybody he had been engaging in conversation with all of us in there and all that, that I may have not said my exact thing, and I made have given a real, real brief at that point. I believe I even think at first I just said I'm clear to book, this was what I noticed, and I did a fourth waiver search, and at that point I might not have told him, although written on my paperwork, I might not have told him that I did a, stopped her for fourth waiver, but I don't recall also telling him at that point that I stopped him for the brake light. I think I was just naming everything. But I know at some point I said I did the fourth waiver search, I did all that.

And that was the beginning conversation, but it was ... I clarified that after I had already booked him into jail. He did come to me, I believe. It's starting all to like kind of come together, but I believe that's probably when it was in the evidence room. The first conversation was in the report writing room, and I remember him saying hey, you know you can't do this, and I was like oh no, I know, it was a fourth waiver compliance check. I don't know if that took place outside in the hall or exactly where we were when we were having that full conversation. But I might not have given him all of the information that was on that paperwork at the initial clear to book. But I believe I cleared that up with him when he began to question me about it, and I stated I know that, I did get educated on whether or not you can drive in the parking lot with or without a license.

Lt. Mendes: Okay. Allow me to just switch over and finish up here with the report. You had, in response to some of Sergeant Williams' questions a little earlier, you said that the report is not ... it's clear to you, but it might not be clear to someone who wasn't there. I think I may have paraphrased that fairly accurately. When you write reports, based on your training, based on your knowledge, is one of the reasons why you write the report is to refresh your recollection if you should have to go to court?

Off. Sisco: Yes.

Lt. Mendes: Is there another reason why you write the reports?

Off. Sisco: So other people can understand what's going on.

Lt. Mendes: Right. And would the prosecutor be one of those people?

Off. Sisco: Yes.

Lt. Mendes: And the prosecutor is the one that makes the decision on whether the case gets issued or not?

Off. Sisco: Yes.

Lt. Mendes: And is the one that would be asking you questions perhaps similar to Sergeant Williams' questions earlier this afternoon, very pointed ones about details like whether or not you knew whether the fourth waiver was active personally, or you heard it from Mr. Yuwiler, who saw the defendant in the parking lot?

Off. Sisco: Yes.

Lt. Mendes: Okay. And you know that it's important to write a very accurate police report for those reasons.

Off. Sisco: Yes.

Lt. Mendes: But it's still your understanding or it's still your statement that if you were to write it ... I guess let me ask you. If you had to write this over again, would you write it differently?

Off. Sisco: Yes, and had I not been in this position, I would have looked at it and still thought what I wrote was fine. Having been in the position of kind of having to really pull it all apart, I definitely would write things a lot differently now.

Lt. Mendes: All right. I don't have anything else.

Sgt. Williams: I have a couple more. You said when the suspect vehicle stopped, the male driver got out and started walking away in a quick fashion, and you had to get out. Did you order him back?

Off. Sisco: No.

Sgt. Williams: How did you get him to come back? Or did he come back?

Off. Sisco: Yes. He ... I wish I could show you. He just kind of stepped out of the ... like it was a ... he was stepping out, and I say hey, I said, do you mind if I can talk to you real quick. And he just kind of looked at me. I said hey, if you don't mind, can I just talk to you, if you don't mind sitting down, can I talk to you real quick? I never said get back in the vehicle, I never ... it was all if you don't mind, if you this, if you that. And she was still in the vehicle eating her ice cream.

Sgt. Williams: Okay. Was this a consensual encounter?

Yuwiler: Objection. Calls for legal conclusion.

Sgt. Williams: In your opinion?

Off. Sisco: It could be viewed that way, but I had planned on it being a traffic stop. I didn't plan on this being a consensual encounter, but it could have in an aspect turned into that because that's just kind of how it all went down in the end. But I still

put it out over the radio as a traffic stop, I still went up and did all that. I usually, even if it was a traffic stop and they were getting out, I would usually ask them, because I'm looking more for how compliant they're going to be with me and if it's going to be a hostile environment or if it's going to be everything is cool, and that will depend on how I treat somebody. So I would always, even if it was just a traffic stop, ask them if I could speak with them real quick and if they say no, then if I am conducting a traffic stop I'll tell them to get back in.

Sgt. Williams: Okay. So in your mind, was this a detention or a consensual encounter when you made contact with them?

Yuwiler: Objection. Calls for legal conclusion, but at what point?

Sgt. Williams: I said when you make first ...

Yuwiler: First making contact?

Sgt. Williams: Yeah.

Off. Sisco: When I put it out over the radio, I planned on it being a traffic stop. It somewhat turned into a consensual contact. Still with me knowing I had probable cause for it to be a traffic stop. So it's hard to say whether or not which one it was, because it was initially supposed to be one and all that, and I wasn't going to let them just walk away had it turned down that road, but it could have eventually ... it could have led into just a consensual contact because of the way everything went down.

Sgt. Williams: Okay. Whose responsibility is it to confirm the fourth waiver status of somebody that you stop?

Off. Sisco: Mine.

Sgt. Williams: Before you met with Sergeant Beronda, after this arrest but on this day, the discussion we already talked about, did Sergeant Beronda call you to the station to talk to you?

Off. Sisco: About this?

Sgt. Williams: Yeah.

Off. Sisco: I don't believe so.

Sgt. Williams: Do you remember what you were doing at the station when he spoke with you?

Off. Sisco: I believe I came back to book the blood. Usually if I get blood I'll usually come back right away and book it.

Sgt. Williams: All right. Do you remember where you were when you guys spoke?

Off. Sisco: That's what I was saying. I don't recall whether ... I mean, there's conversations that we had in the briefing room. I remember him kind of coming towards me in the evidence room, but I also remember we had another conversation outside of the evidence room. After that, there was multiple conversations, so throughout that part of the station.

Sgt. Williams: Did he tell you during that conversation or during those conversations you guys had that you did anything wrong?

Off. Sisco: No. He questioned me on if I knew, and he said I didn't want to call you out in front of your 10-16. I think this is the part of the conversation that was after I booked him. He said I didn't want to talk to you about it in front of him, but you know you can't do this, and that's when we talked about that, but he never accused me of doing anything wrong, no. He just asked if I understood, and I did. Like I said, I did ask him the knowledge about ... and I didn't know, to be honest, I didn't know whether or not you could drive through a parking lot with or without a license. I think I also did ask him if I was wrong in doing a DUI on private parking lot, because after I had asked him about the license, I didn't think that ... I thought you could ... I didn't think that you could drive through a parking lot like that without a license, so when he told me that you could, I then asked him well, was I wrong in doing a DUI in a private parking lot, and he told me no, you can still do that.

Sgt. Williams: Okay. Anything else? Okay. Is there anything about this incident that we haven't asked you about that you believe would be important for you to relay to us?

Yuwiler: Objection. It's overbroad and an incomplete hypothetical, and the concern that I have is there may be a lot more that could be brought to the department's attention. We have the opportunity of looking at the totality of the investigative materials, including what the sergeant allegedly said. Without having that, it's really hard to try to say whether or not there could be more information that might assist. Do you mind if I ask her a couple of quick questions?

Sgt. Williams: Actually, let me ask this question. At this point, is there anything else you would like to tell me?

Yuwiler: I don't recommend closing statements, but you can say anything you feel is appropriate.

Off. Sisco: No.

Sgt. Williams: Yeah, absolutely.

Yuwiler: First of all, in any statement that you made to this Sergeant regarding this incident, did you intend to deceive him?

Off. Sisco: No.

Yuwiler: And in your report, at any point in time did you intend to deceive anyone?

Off. Sisco: No.

Yuwiler: And do you have the belief that there are some drug offenses for which the fourth waiver is, for lack of a better term, automatic?

Off. Sisco: Not automatic, but most of the ... like it's a high rate that you would get it.

Yuwiler: On specific drug offenses?

Off. Sisco: Most of the controlled substances and the paraphernalia, but I think they're now starting to go away from paraphernalia.

Yuwiler: I think you said that you're not sure if you ... I'm sorry, every agency has a different word for it ... the MDC or the M ...

Off. Sisco: Computer.

Yuwiler: KDT or the car computer. You said that it's a possibility that you may have sent a message to dispatch asking them to confirm the fourth waiver status?

Off. Sisco: It's possible.

Yuwiler: You don't recall one way or the other.

Off. Sisco: Yeah, I say that because I've done it with other ones, and so I don't recall if I did it on this incident or not.

Yuwiler: Okay. At some point before you conducted a search, were you actually ... not the stop, but the search itself, you ... as I understand it, you had confirmed that [REDACTED] or however she pronounces it, was in fact on probation.

Off. Sisco: With her telling me that she was and that she was fourth waiver, and also at that point I even tend to ask consent, even if they're fourth waiver. I even asked her for consent to search the vehicle. I even asked him for consent to search his belongings and his stuff, but at that point, before I searched, I believe I already knew that he was fourth waiver. But before I searched the vehicle, I don't think dispatch had yet confirmed that she was. I believe they confirmed that he was, but not that she was.

Yuwiler: Okay, and I apologize because I just want to make sure. But regardless of whether dispatch had confirmed something, she told you she was ... strike that. I think if I recall you said something to the effect of you went up to her and said but you are on probation and you are fourth waiver. And she acknowledged she was. Words to that effect.

Off. Sisco: Yes, and he said he wasn't.

Yuwiler: Okay. So at least assuming she's telling you the truth, she's acknowledging that she could be searched at any time because she's given up her fourth amendment rights.

Off. Sisco: Yes.

Yuwiler: Okay. And at some point in time, and I don't know exactly when it was in this process, you did receive confirmation from dispatch that both of them had fourth waiver.

Off. Sisco: Yes.

Yuwiler: Okay. And I take it that an arrest was not conducted until you confirmed that one or both were fourth waiver.

Off. Sisco: Affirmed they were sitting out on the ... not in handcuffs, they were both sitting with Officer Torres and Officer Thompson on the sidewalk.

Yuwiler: Okay, so they were detained?

Off. Sisco: They were sitting there. They weren't in handcuffs or anything. They were sitting there and they were doing ... we always do FIs, field interviews, to get all their information in case it doesn't lead to an arrest.

Yuwiler: And I apologize, just so I'm clear. Before they were formally ... either was formally arrested, I think it was just one that was arrested, the male, before the male was formally arrested, do you believe that you had received confirmation from dispatch that there was in fact a fourth waiver?

Off. Sisco: I believe so, yes.

Yuwiler: Okay. I don't have any further questions at the present time. Thank you.

Sgt. Williams: I have one more question. In response to your Attorney's question, you said that you had asked for consent to search? Was that from both or one of them?

Off. Sisco: I asked for both. I asked [REDACTED] [REDACTED] said yes. Then I said I was going to search the vehicle, and that's when I ... with my normal ... my practice is usually to say hey,

I'm going to make sure you don't have any illegal on you, and there's nothing in your area, is that cool? And he said yeah.

Sgt. Williams: Did you document anywhere in the report that you had asked for consent?

Off. Sisco: I did not. No.

Sgt. Williams: Why not?

Off. Sisco: I don't believe I did.

Sgt. Williams: Why wouldn't you?

Off. Sisco: Because I had done that in previous reports when they have been a fourth waiver, and I have been informed that I don't need consent to do that, so I've not included it in my reports anymore.

Sgt. Williams: Do you remember who told you not to include the fact that you got consent from somebody?

Yuwiler: That misstates her prior response. She said she was told that she didn't need it, and therefore she didn't include it in further reports.

Sgt. Williams: Okay. Did anyone instruct you not to document the fact that you obtained consent prior to the search?

Off. Sisco: No, that would be my own mistake or doing, so ...

Sgt. Williams: Anything else, sir?

Lt. Mendes: Why wouldn't you put that in there?

Off. Sisco: Honestly, I should have. I'm not saying I shouldn't have, by no means at all. I probably should have, and going back on this I probably would have, but it might have been one of those things either at the time I was writing this I just didn't think about it, didn't remember, or I had fourth waiver. I can't give you an answer why I didn't do it, but in the end I should have, but I didn't.

Lt. Mendes: If that person's fourth waiver turns out to be invalid, and you've documented that you have consent, can you see the viability of your case still being alive as opposed to not putting it in there and having the case squashed?

Off. Sisco: Yes, but I was confirmed by dispatch that they were both valid. But yeah. If it was some mistake in the system, yes.

Yuwiler: And I'm sorry to do this to you, but did you have the impression when you were told ... because apparently you had the belief that when you wrote a report that

you would put in that there was consent in addition to fourth waiver, and someone told you you don't need to have consent if you have fourth waiver. Did you form the impression in your mind well then I shouldn't put in the consent portion?

Off. Sisco: I won't blame anybody else for that. I just believed that I didn't need it, so I didn't put it in there, and again, it's my report I should know what needs to be in there.

Yuwiler: I don't have anything further at the present time.

Sgt. Williams: Anything else?

Lt. Mendes: Okay. Is there anything else you'd like to tell me?

Off. Sisco: No.

Sgt. Williams: Okay. I have no further questions at this time. On behalf of the Chief of Police, I'm ordering you not to discuss this investigation or its subject matter with anyone other than your representative, legal counsel, medical or mental health professionals, family members or clergy. Doing so would be insubordination and by itself would subject you to disciplinary action up to and including termination. Do you understand?

Off. Sisco: Yes.

Sgt. Williams: This order will be automatically lifted when you are given notice of the findings of this investigation by your division commander. This concludes the interview. The time is now approximately 8:04 p.m. I'll turn off the recorder.

20

Sgt. Thomas interview transcript (4-26-13)

Sgt. Williams: I am Sgt. Williams and I am the officer in charge of this investigation for the Carlsbad Police Department. Today's date is April 26, 2013; the current time is approximately 1:04pm. We are in my office at the Carlsbad Police Station; no one will be assisting me with this interview today. Present at this interview is Sgt. Thomas who does not have a representative. This interview is being recorded. The purpose of this interview is to discuss an allegation of misconduct by Officer Taryn Sisco on March 14, 2013. Specifically it is alleged that Officer Sisco provided false information to her supervisor and authored either a false or inaccurate police report related to an incident that occurred on March 14, 2013.

Today's question concerns administrative matters related to the official business of the Carlsbad Police Department on behalf of the Chief of Police and I now order you to answer my questions completely and truthfully. If at any point I determine your involvement is more than that of a witness I will stop the interview and we will reschedule for a later time when you will be provided with all the rights afforded to an accused officer per the Peace Officer Bill of Rights. Sgt. Thomas do you understand what I just read you?

Sgt. Thomas: Yes

Sgt. Williams: Do you have any questions regarding what I read?

Sgt. Thomas: No.

Sgt. Williams: Before the interview I gave you a copy of Officer Sisco's arrest report that she prepared-the case number's 13-01544 and gave you an opportunity to read it. Have you had an opportunity to read it-look over it?

Sgt. Thomas: Yes.

Sgt. Williams: On the bottom of Officer Sisco's arrest report it shows that the report was approved by S. Thomas and then ID of 5296-did you approve this report?

Sgt. Thomas: Yes I did.

Sgt. Williams: Ok. Do you remember now that you had a chance to look at the report-do you remember reading this and approving it back in March?

Sgt. Thomas: Yes.

Sgt. Williams: Did Officer Sisco bring this to you and specifically give it to you or do you remember if it was in the inbox for the sergeants?

Sgt. Thomas: I believe it was in the inbox for the sergeants. I don't even remember Officer Sisco handing it to me.

Sgt. Thomas interview transcript (4-26-13)

Sgt. Williams: Ok. Did you have any conversation with Officer Sisco regarding this case?

Sgt. Thomas: I do not remember having a conversation, no.

Sgt. Williams: Do you remember having a conversation with any other person in the police department regarding this case other than today talking about this case for this investigation?

Sgt. Thomas: No.

Sgt. Williams: Ok. Do you know off the top of your head if you've ever had any contact or interaction with the two suspects that are named? [REDACTED] or [REDACTED]?

Sgt. Thomas: I do not. No.

Sgt. Williams: Ok. What I'm understanding is that-were you working patrol overtime when you approved this?

Sgt. Thomas: Yes.

Sgt. Williams: Ok. Do you remember what shift you were working when you approved this?

Sgt. Thomas: No I don't.

Sgt. Williams: You're recollection is that you do remember approving the report, you don't remember having any interaction with Officer Sisco regarding it, you believe it was in the inbox, you're staying down in Patrol and that's what caused you to read it? Is that true?

Sgt. Thomas: Yes.

Sgt. Williams: Ok. You haven't spoken to anybody in the police department regarding this case or had any contact with the two people [REDACTED] or [REDACTED] that were contacted during this case?

Sgt. Thomas: No.

Sgt. Williams: Ok. Do you have anything else that you can think of regarding this incident we should know about?

Sgt. Thomas: No.

Sgt. Williams: Ok. I have no further questions at this time. On behalf of the Chief of Police I'm ordering not to disclosure anything we discussed during this interview or anything regarding this investigation with anyone. However you may speak with legal counsel should you choose consult an attorney. Disclosure of anything we discussed during this interview would be considered insubordination and by

Sgt. Thomas interview transcript (4-26-13)

itself would subject to disciplinary action up to and including termination, Sgt. Thomas do you understand?

Sgt. Thomas: Yes.

Sgt. Williams: This order will remain in effect indefinitely due to the nature of this investigation. This concludes the interview. The time is now approximately 1:09pm.

21

Sgt. Chase interview transcript (5-1-13)

Sgt. Williams: I'm Sgt. Williams, and I'm the officer in charge of this investigation for the Carlsbad police department.

Today's date is May 1st, 2013, and the current time is 3:32 p.m. We're in my office at the Carlsbad police station. Sgt. Jackowski is also present and will be assisting with this interview.

Present at this interview is Sgt. Chase who is alone without a representative. This interview is being recorded. The purpose of this interview is to discuss an allegation of misconduct by Officer Taryn Sisco on March 14th, 2013.

Specifically, it is alleged that Officer Sisco provided false information to her supervisor, and authored either a false or inaccurate police report related to an incident that occurred on March 14th, 2013.

Today's questioning concerns administrative matters relating to the official business of the Carlsbad police department. On behalf of the Chief of Police, I'm ordering you to answer my questions completely and truthfully. If at any point I determine your involvement is more than that of a witness, I will stop the interview, and we will reschedule for a later time, wherein you will be provided with all the rights afforded to an accused officer per the Peace Officer Bill of Rights.

Sgt. Chase, do you understand what I just read you?

Sgt. Chase: Yes I do.

Sgt. Williams: Do you have any questions regarding what I read?

Sgt. Chase: No.

Sgt. Williams: So, what we're going to talk about is on March 14th, 2013, Officer Sisco, at about 9 o'clock p.m., conducted a traffic stop in the 7600 block of El Camino Real in the parking lot by Flippin' Pizza, that resulted in DUI and narcotics related arrest.

I pulled the patrol schedule for that night, and it doesn't look like you were on it. Do you remember if you were working on Thursday, March 14th?

Sgt. Chase: I think I was in training. I was adjusted for a training class.

Sgt. Williams: So you were not working?

Sgt. Chase: No.

Sgt. Chase interview transcript (5-1-13)

Sgt. Williams: Then, on Saturday, March 16th, it looks like you were working as 41-Sam.

Sgt. Chase: Yes.

Sgt. Williams: On March 16th, do you remember a conversation in the watch commander's office between Sgt. Beronda, Lt. May, and you, involving Officer Sisco?

Sgt. Chase: I don't know for sure if it was that night, but it was some time around that time period when we were going over what happened that week as we generally do. We try to recap what somebody else may have missed, or any concerns of officers, so it might have been that night, but I don't know for sure.

Sgt. Williams: Do you ever remember Sgt. Beronda mentioning to you, either in the presence of Lt. May or not with Lt. May around ... Did Sgt. Beronda mention to you any concerns he might have about a traffic stop and a report written by Officer Sisco?

Sgt. Chase: Yes.

Sgt. Williams: From March 14th?

Sgt. Chase: Yes.

Sgt. Williams: What were his concerns? What did Sgt. Beronda relate to you?

Sgt. Chase: His concerns were that she made a traffic stop in a private parking lot for a vehicle equipment violation, and she was unaware that that was illegal. That in a parking lot you're not subject to most of the vehicle codes except for DUI and other things.

So, he was concerned about that, and then when he had a conversation with her about that, she backtracked and then said, "Well, it wasn't for the vehicle code violation. I actually stopped them because the passenger was on probation."

Then, when she turned in her report, to him, he was concerned because then her report made it look like she didn't stop them for the vehicle code violations, that she only stopped them for being on probation.

Sgt. Williams: You didn't ... Did you witness any conversation between Sgt. Beronda and Officer Sisco regarding this incident?

Sgt. Chase: No.

Sgt. Chase interview transcript (5-1-13)

Sgt. Williams: This is just Sgt. Beronda relaying to you what happened on the incident regarding ... with Officer Sisco?

Sgt. Chase: Yes.

Sgt. Williams: You and Sgt. Beronda are like partner sergeants on the same shift?

Sgt. Chase: Yes.

Sgt. Williams: You work for Lt. May?

Sgt. Chase: Yes.

Sgt. Williams: Have you ever spoken to Officer Sisco about the traffic stop that lead to this arrest on March 14th, 2013, and I believe the case is 13-01544? You can have a copy of it if want to look at it.

Sgt. Chase: No, I never discussed it with her.

Sgt. Williams: You're sure you didn't?

Sgt. Chase: I'm sure.

Sgt. Williams: The suspects that Officer Sisco contacted that day were people by the names of [REDACTED] who is a 55-year-old man, and then [REDACTED], who is a 49-year-old lady.

Do those names ... Do you know those people at all? Are they familiar with you at all?

Sgt. Chase: I don't know the people. I do know the names because Sgt. Beronda printed it up later so we could check their status and see how quickly she could run them in SD law if that was possible. So we ran, I think, her name. So, I have heard the names before but I don't know the people. I'm not familiar with them.

Sgt. Williams: Your only familiarity with these is with your discussions with Sgt. Beronda?

Sgt. Chase: Yes.

Sgt. Williams: Have you spoken to Officers Richards, Torres , or Thompson on your shift about this traffic stop and arrest?

Sgt. Chase: No.

Sgt. Chase interview transcript (5-1-13)

Sgt. Williams: Do you have any questions?

Sgt. Jackowski: When she said that she had ran the passenger, she said the passenger was on probation. Did she say how she found out the passenger was on?

Sgt. Chase: I believe in her report, it stated that she ran her in SD law in EJIMS, and then basically it clicked on the case which took her over to the county mainframe which will say if they're on probation.

But you have to be logged on to both of those, because they're separate passwords, at the same time for that to work, which is possible, but it times out every so often so you have to re-log on. So, if she ran the R.O. of the car quickly and then clicked on that hyperlink to go over there, then you could, but it would be very hard to do that within her time frame of putting out the stop while driving in a parking lot.

We just thought that that was too fast.

Sgt. Jackowski: Did she say, did she verbalize to you that that's how she had done it?

Sgt. Chase: I never talked to her about it. This was just ... I don't remember exactly if it spelled it out. I think it just said she looked it up EJIMS in her report, and I told Sgt. Beronda I don't think you can look up probation status in EJIMS.

That's when we played around with it and learned that you can go to EJIMS and then click on the case if there is hyperlink you can open, and then it takes you over to the SUN mainframe so you can go in a roundabout way, but you have to be logged on to both at the same time.

It would usually take a while and not be very possible while you're driving through a parking lot trying to catch up to a car and do all this within a certain time frame.

I don't think ... I never talked to her about it. She never told me how she did it, but in her report it said that, I think, she looked up her probation status in EJIMS.

Sgt. Jackowski: Did you ever look at her CAD history regarding the stop?

Sgt. Chase: Yes. Sgt. Beronda printed it up so we could try to see if that was possible. I looked at the CAD history then, to see if it ... and I think said it only took her a minute. I think she had about a minute and 40 seconds to do it.

Sgt. Jackowski: Did you see anywhere on the CAD where it looked like she had run a 29-person in the car? Through the car and not through dispatch prior to the stop?

Sgt. Chase interview transcript (5-1-13)

Sgt. Chase: I don't think she did in the car. I can't remember though, to be honest.

Sgt. Williams: Is there anything else about this incident that you think we should know about that I didn't ask you about?

Sgt. Chase: No. Just that Lt. May was present during that conversation between Sgt. Beronda and I where we were all talking about the week's activities and sharing concerns. That was it.

Sgt. Williams: I have no further questions at this time on behalf of the Chief of Police. We're ordering you not to disclose anything we discussed during this interview or anything regarding this investigation with anyone.

However, you may speak with legal counsel should you choose to consult an attorney. Disclosure of anything we discussed during this interview would be considered insubordination, and by itself would subject you to disciplinary action up to and including termination.

Sgt. Chase, do you understand?

Sgt. Chase: Yes.

Sgt. Williams: This order will remain in effect indefinitely due to the nature of this investigation.

This concludes the interview. The time is now 3:42 p.m.

22

Off. Thompson interview transcript (5-9-13)

Sgt. Williams: I am Sergeant Williams. I am the officer in charge of this investigation for the Carlsbad Police Department. Today's date is May 9, 2013. The current time is 4:07 p.m. We are in my office at the Carlsbad Police Station. Lieutenant Mendes is also present, and will be assisting with this interview. Present at this interview is Off. Matt Thompson, who is alone without a representative. This interview is being recorded. The purpose of this interview is to discuss an allegation of misconduct by Officer Taryn Sisco, on March 14, 2013. Specifically, it is alleged that Officer Sisco provided false information to her supervisor, and authored either a false, or inaccurate, police report related to an incident that occurred on March 14, 2013.

Today's questioning concerns administrative matters relating to the official business of the Carlsbad police department. On behalf of the Chief of Police, I now order you to answer my questions completely, and truthfully. If at any point I determine your involvement is more than that of a witness, I'll stop the interview, and we will reschedule for a later time wherein you will be provided with all the rights afforded to an accused officer, per the Peace Officer Bill of Rights. Officer Off. Thompson, do you understand what I just read you?

Off. Thompson: I do.

Sgt. Williams: Do you have any questions regarding what I read?

Off. Thompson: No.

Sgt. Williams: Okay. Before we went on tape, I allowed you to read the arrest report that was authored by Officer Sisco. It's case number 13-01544, documenting the traffic stop and the arrest on March 14, 2013, that we wanted to talk about. Do you remember the incident that she wrote about in that case?

Off. Thompson: I do.

Sgt. Williams: Do you remember responding to the scene of the traffic stop, or being at the scene of the traffic stop?

Off. Thompson: Yes.

Sgt. Williams: Do you remember what caused you to be there? My questions is, were you at the ... in the parking lot at the time of the stop, when she made the stop, or did you later go to the traffic stop?

Off. Thompson: She asked for a second unit routine, so dispatch sent me.

Off. Thompson interview transcript (5-9-13)

Sgt. Williams: Okay. Do you remember where you were when you were ... approximately when you were dispatched to respond to it?

Off. Thompson: Not specifically.

Sgt. Williams: Okay.

Off. Thompson: I remember I was in the seven beat. That was my beat, I was the seven car, so I was probably somewhere in the Seven beat.

Sgt. Williams: Okay. When you first arrived on scene of the traffic stop, tell me what you found. What was going on?

Off. Thompson: Actually, Officer Torres had beat me to the scene, so he was covering down on the passenger's side of the vehicle. Taryn had the driver, the male half, to the rear of the vehicle, so I just went to cover her.

Sgt. Williams: Okay, so she was standing at the rear of the suspect vehicle, talking to the driver?

Off. Thompson: Yeah, conducting a pat down.

Sgt. Williams: Do you remember if the driver was male or female?

Off. Thompson: It was male.

Sgt. Williams: Do you remember if the passenger was male or female?

Off. Thompson: Female.

Sgt. Williams: Okay. When ... did you get ... through the stop, did you get a look at both the passenger and the driver?

Off. Thompson: Yes.

Sgt. Williams: Were they any ... were they people that you recognized, or had you ever dealt with these people before?

Off. Thompson: I had not. No.

Sgt. Williams: Okay. In the arrest report, the name of the male was [REDACTED] Do you remember ... do you recall that name, or have you ... when you hear that name, do you think you've ever dealt with that person before?

Off. Thompson interview transcript (5-9-13)

Off. Thompson: Prior to the stop?

Sgt. Williams: Yeah.

Off. Thompson: No, I had never.

Sgt. Williams: Okay. The female passenger was named [REDACTED] Same question. Do you remember ever dealing with her before?

Off. Thompson: No. No.

Sgt. Williams: Okay. Did you, at any point, ever talk to Officer Sisco about what led to the traffic stop?

Off. Thompson: I did. I was wondering what just the PC was, because she had the driver out of the car. At some point, I asked if they were affirmative Fourth because she wanted to do a search. She said she didn't know, so I went to my car to run them out. At some point, the female, they'd taken her out and put her on the curb. I heard her tell ... I think it was Officer Torres, or one of the officers ... said the reason for the stop was because they didn't use a turn signal from Circle K going over to ... I think they were getting a burrito at Rudy's, or something.

Sgt. Williams: Okay. When you get there, and Officer Sisco is doing a pat-down search of the male driver, at what point ... how long were you on scene when you asked Officer Sisco if they were on Fourth Waiver?

Off. Thompson: I don't know the exact amount. I just wanted to get an idea of what was going on. When you cover someone, get a sense of what the stop was for, what they're looking for, what's the circumstances. I remember, at some point, I went back to my car. I said, "Are you guys okay, here? I'll go run them out." That's when I heard the female say the reason for the stop. At that time, I went over to Sisco and I said, "Hey. You know this is private property. You can't pull them over for not putting on a turn signal." She said that she knew the passenger was Fourth Waiver, so that's why she did the stop.

Sgt. Williams: Okay. You're ... it's within pretty close when you get on scene, short time, you're saying that you talked to Officer Sisco about if they're Fourth Waiver?

Off. Thompson: Right.

Sgt. Williams: Her initial response to you is she didn't know?

Off. Thompson: Correct.

Off. Thompson interview transcript (5-9-13)

Sgt. Williams: Did you ... you then went to your car to run these people to determine if they were wanted, or Fourth Waiver?

Off. Thompson: To see if they were Fourth Waiver, yeah.

Sgt. Williams: Did ... how did you get their identity? How did you get their information to run them?

Off. Thompson: They had already run it in the call. Dispatch was taking a long time, so that's why I went just to run it out. I think the return had come over by the time that I saw that they were Fourth Waiver. When I went back, and she was at the passenger side of the vehicle, I said that's ... because I heard the female say the reason for the stop. At least that's what she thought. The female thought that. The passenger thought that the reason for the stop was no turn signal coming out of Circle K.

Sgt. Williams: Okay.

Off. Thompson: I just wanted to advise her that that's not good PC, just because it's on private property.

Sgt. Williams: Okay. The female suspect, the passenger, is the one that told you, you were stopped for not using your turn signal?

Off. Thompson: She's the ... I overheard her saying that, I think, to Torres. She said, "Yeah, the reason we got stopped was because he didn't turn on the turn signal coming out of ... they went and got gas, or something, at Circle K, and then they were going to get a burrito at Rudy's. Coming out of the Circle K, going through the parking lot, which is private property, didn't use a turn signal. That's what she thought the stop was for, the female passenger.

Sgt. Williams: The female passenger?

Off. Thompson: Yeah. That's when I went to Sisco and told that that's not good PC.

Sgt. Williams: Do you remember if that conversation that you overheard from the passenger regarding why there were stopped was before, or after, you went back to your car to run the suspects?

Off. Thompson: I was in my car when I heard it.

Sgt. Williams: Okay, so you had already talked to Officer Sisco. She said she didn't know if they were on Fourth Waiver. You went back to your car to do the inquiries on the computer. While you're sitting in the car doing your inquiries, you overhear the

Off. Thompson interview transcript (5-9-13)

conversation between Torres and the female passenger, where she says she was stopped for not using a blinker in the parking lot.

Off. Thompson: Correct.

Sgt. Williams: Then, what ... tell me if I'm wrong. I'm just making sure I understand. Then, you're saying you got out of your car, and you went and told Sisco that probable cause of using a blinker in a parking lot is not good probable cause.

Off. Thompson: Correct.

Sgt. Williams: What did she tell you?

Off. Thompson: She told me the she knew that the female passenger was Fourth Waiver, which

Sgt. Williams: Okay. When you went back and said that, had that conversation with her, had the return come back from Dispatch advising Officer Sisco that she was on Fourth Waiver?

Off. Thompson: I believe so, yes.

Sgt. Williams: Okay. Do you remember if you were in your car, running inquiry on the suspects, when the return came back over the radio from Dispatch?

Off. Thompson: I don't remember specifically.

Sgt. Williams: Okay, but it's your belief, but you're not positive that the return had come back before you had the conversation with Sisco about the probable cause not being good in the parking lot?

Off. Thompson: Yes.

Sgt. Williams: When you heard that, did you ... at the time, did you link the two up of ... what I'm hearing is a contradiction from what she's telling you about her knowledge of whether they're on Fourth Waiver, or not.

Off. Thompson: What my first thought is, is okay, maybe she ran it in her car, saw that she is Fourth Waiver, but wanted confirmation of it. I was giving her the benefit of the doubt on that. My other thought was that ...

Sgt. Williams: Let me stop right there. Did she tell you that she ran it in the car?

Off. Thompson: No.

Off. Thompson interview transcript (5-9-13)

Sgt. Williams: She ... did she just tell you that she knew the ...

Off. Thompson: She said that she knew the passenger was Fourth Waiver, so I assumed that she ran it out in the car ... unless she already knew the person, which I have no prior knowledge of that. I don't ... my other thing is because I'm very comfortable with the systems to run people, just because my history here, experience here. I don't know if she has the capability to do it, on County Locals, or I don't know. I was hoping that the reason she didn't know was because she wanted confirmation, not because she was just saying that ... if that makes sense.

Sgt. Williams: Okay. I understand. Did she ever tell you how she knew that the passenger was on probation, Fourth Waiver probation?

Off. Thompson: No.

Sgt. Williams: Did you ever ask her, or question her, about the discrepancy, when the fact that initially she said she didn't know if they were on Fourth Waiver, and then when you had clarified the probable cause issue, she said she did know. Did you ever have any further discussions about that discrepancy?

Off. Thompson: I did not. I was planning on going car-to-car with her, to ask to clarify, but I never did, and then that was the last ... I think that was the last week that I worked, so I didn't do it. I didn't want to be accusatory towards her. Like I said, I wanted to give her the benefit of the doubt.

Sgt. Williams: Okay. Did you ... have you talked to ... did you talk to ... after that traffic stop, or even during that traffic stop, did you talk to anybody else about the probable cause for that stop? Did you ever talk to Officer Torres or Officer Richards about it?

Off. Thompson: I don't believe I spoke to Torres or Richards. I talked to Officer Burns about it.

Sgt. Williams: Officer Burns?

Off. Thompson: Yeah.

Sgt. Williams: What did you tell Officer Burns?

Off. Thompson: We had had some prior conversations about Officer Sisco, just because I had asked Officer Burns about her, because she had worked as a beat partner with her. Just some trust issues that she had. I brought that up, and told her what my belief was that ... about what happened there.

Off. Thompson interview transcript (5-9-13)

Sgt. Williams: What was your belief?

Off. Thompson: I believe that she lied about it.

Sgt. Williams: What makes you believe that?

Off. Thompson: I looked on the computer of when she ran the plate, and she made the traffic stop a minute-and-a-half later. Unless she was looking it up in Surfers ... I don't know. I know a way that she could do it. Again, I'm giving her the benefit of the doubt. Most likely, she didn't run the person up before. She probably looked her up in EJIMS. She saw that she had a record, but didn't know for sure that she was fourth waiver. This is just my ... what I would think happened. I don't know for sure. That's what I think, because she wouldn't have time to run it, unless like I said, she just ran the plate through Surfers, saw who was contacted, and then ran out through locals. Then, on her CAD computer, ran the plate, and then made the traffic stop a minute-and-a-half later. She just didn't have time to run it out, in my belief.

Sgt. Williams: Okay. I understand what you're saying. That was your suspicion. Did you ever do an investigation to determine, for sure, if she had or not, or you just had a suspicion that it just didn't seem right?

Off. Thompson: No. I have no way ... I had no way of doing that because I don't have access to look to see if she looked up the plate on Surfers, or I don't even know if she has access to County Locals to look up if she had Fourth Waiver status. I didn't.

Sgt. Williams: Okay. When do you remember approximately when you talked to Officer Burns?

Off. Thompson: It was later that night.

Sgt. Williams: Did you talk to Officer Burns specifically about this stop?

Off. Thompson: Yes.

Sgt. Williams: What did Officer Burns have to say about it?

Off. Thompson: It didn't seem to surprise her. I don't know. I don't really recall specifically.

Sgt. Williams: Did she relay to you that she had talked to Officer Sisco about this incident?

Off. Thompson: No.

Sgt. Williams: Did Officer Burns, before you talked to her about this traffic stop, was Officer Burns already aware of any issues about it?

Off. Thompson interview transcript (5-9-13)

Off. Thompson: About the stop? No.

Sgt. Williams: Yeah. Okay.

Off. Thompson: No. I don't believe so.

Sgt. Williams: Did Officer Burns relay to you that she knew any of these people that Officer Sisco had stopped?

Off. Thompson: No.

Sgt. Williams: Did Officer ... who else ... you said Officer Torres was there. Did anyone else show up on scene?

Off. Thompson: Not that I remember.

Sgt. Williams: Okay. Did Officer Torres ever relay to you that he knew these people that were stopped?

Off. Thompson: No.

Sgt. Williams: Okay. Let me tell you, in my mind, what I'm hearing you say. Let me know if any of it's wrong. Okay? What I'm hearing you say is you get dispatched to cover Officer Sisco on this traffic stop, because she asked for a second unit. When you got on scene, were you stopped by the Flippin' Pizza, over there?

Off. Thompson: Yeah. It was north of there. It was just as you enter that little pocket parking lot going into Flippin' Pizza and Rudy's.

Sgt. Williams: Okay. When you get there, the stop has already been made. Officer Torres is at the passenger side of the vehicle. The female passenger is still in the vehicle?

Off. Thompson: Yes.

Sgt. Williams: The driver, male driver, is standing to the rear of the suspect vehicle, and Officer Sisco is conducting a pat-down search?

Off. Thompson: Correct.

Sgt. Williams: You walked up to Officer Sisco, and asked her if these people were on Fourth Waiver probation.

Off. Thompson interview transcript (5-9-13)

Off. Thompson: Well, just generally what was going on. Yeah. Once ... I believe she maybe cuffed him up, and put him in the back of her seat ... or her vehicle. Then, she was wanting to do a search, and I asked what the search was pursuant to, if it was pursuant to arrest, or what it was. I asked if they were Fourth Waiver, and she said she didn't know.

Sgt. Williams: Did she tell you what she was going to search and pursuant into?

Off. Thompson: She didn't. No.

Sgt. Williams: Okay.

Off. Thompson: That's when I went to check.

Sgt. Williams: Through that initial conversation at the rear of the suspect vehicle, when you first got there, that's when she relayed to you that she did not ... you asked if they were on probation, and she said she didn't know.

Off. Thompson: Correct.

Sgt. Williams: Then, you went back to your patrol car to ... did you go back to your patrol car?

Off. Thompson: Yes.

Sgt. Williams: Did you actually conduct inquiries, do you know?

Off. Thompson: Yeah.

Sgt. Williams: Okay. On the ...

Off. Thompson: Not on the CAD, I did it in County Locals.

Sgt. Williams: Okay. You're conducting inquiries on ...

Off. Thompson: Not through NCIC, not the CAD, that's ... sorry. That's ... not through the QW, or whatever person.

Sgt. Williams: You went in...

Off. Thompson: I went through County Locals, which is ...

Sgt. Williams: Got it. Okay, so you're in your car working on it, and you don't remember when, but at some point, dispatch returns that they're on probation?

Off. Thompson interview transcript (5-9-13)

Off. Thompson: Yes.

Sgt. Williams: While you're in the car doing this computer search, you overhear a conversation between the female passenger and Officer Torres, where the female passenger tells Officer Torres that they were stopped for not using a blinker while traveling from the Circle K, to the taco shop, or whatever.

Off. Thompson: Correct. I'm not certain if she was talking ... she was talking in the direction of Officer Torres. It might have been to Officer Sisco, or to the guy in the back seat, the driver. I'm not sure.

Sgt. Williams: Okay. You hear the passenger say that. You're not sure who she's directing it to.

Off. Thompson: I'm pretty sure it was Mike, but I'm not positive on that.

Sgt. Williams: Okay. Then, you ... upon hearing that, go to Officer Sisco and tell her that the blinker ... did she ... I guess, let me ask you this. Did she tell you that she used the blinker as probable cause, or did you, based on that, just go tell her that that isn't good probable cause?

Off. Thompson: She never told me. Just based on that, I went and told her that that's not good probable cause.

Sgt. Williams: At that point, she said, "I knew the passenger was on Fourth Waiver."

Off. Thompson: Yeah. She said she knew the RO, which was the passenger that was the Fourth.

Sgt. Williams: What I'm hearing you say is, in your mind, you recognized the conflict of her statements, but you were giving her the benefit of the doubt that somehow she must have known?

Off. Thompson: Yeah. I ... obviously there was a conflict there. I was giving her the benefit of the doubt that she ran it, and saw it, but hadn't confirmed it. Maybe she wasn't comfortable with running the system, maybe saw it, and wanted a confirmation. It was my belief that that wasn't the case.

Sgt. Williams: Okay. Then, you ... did you ... I think you told me. Did you ever talk to Officer Sisco further about the probable cause for the stop?

Off. Thompson: No.

Sgt. Williams: You did not talk to Officer Torres about the probable cause for the stop?

Off. Thompson: No.

Off. Thompson interview transcript (5-9-13)

Sgt. Williams: Later, you talked to Officer Burns about this stop, because you were bothered by the conflict?

Off. Thompson: Yeah, and some other conversations Burns and I had about Sisco. It was more personal issues, but ...

Sgt. Williams: Okay. When you talked to Officer Burns, Officer Burns was not aware of this traffic stop, or the probable cause for this stop, but you informed her of the conflict, and you said she wasn't surprised.

Off. Thompson: Correct.

Sgt. Williams: All right. Then, did you talk to any other officers, or departmental members, regarding the conflict that you observed from Officer Sisco?

Off. Thompson: Yeah, I talked to Sergeant Beronda about it. I didn't ... it's not like I was going there to call her out, but we go and get drinks after briefing. That sounds like we're going to get cocktails, or something, but no. We'll get iced tea. He gets iced tea. I get Coke. We talked about training issues a lot, because there are a lot of people on our shift that don't have a lot experience, and so I brought that up. I didn't know what she put in the report at the time, obviously, so he saw the conflict there.

Sgt. Williams: Okay. When you ... you read the report just minutes before we started the interview. Had you read this report, or seen this report, before I showed it to you?

Off. Thompson: No.

Sgt. Williams: Okay.

Off. Thompson: I wanted to, but never did.

Sgt. Williams: Why did you want to?

Off. Thompson: I just wanted to see what was in there, because it's ... it was interesting to me, just how everything went down.

Sgt. Williams: Okay. Do you have any questions? Go for it?

Lt. Mendes: Matt, I'm going to take you back, just a little bit.

Off. Thompson: Okay.

Off. Thompson interview transcript (5-9-13)

Lt. Mendes: With respect to some of the statements you made, how many years have you been a police officer now?

Off. Thompson: Including the academy, a little over two-and-a-half years.

Lt. Mendes: Although two-and-a-half years may not seem a lot compared to someone with 30 years, at the time of this incident, you were assigned to E-2. Is that correct?

Off. Thompson: That's correct.

Lt. Mendes: The E-2 watch generally doesn't have people that are very senior, just based off of our process of bidding. Is that correct?

Off. Thompson: Correct.

Lt. Mendes: Even with two-and-a-half years on, you're considered somewhat a senior officer.

Off. Thompson: Yeah.

Lt. Mendes: There are a few people that have more seniority than you, but there are a lot of people that have less seniority.

Off. Thompson: Correct.

Lt. Mendes: Is that fair? Okay. You mentioned earlier that you have special skills, that those special skills are the fact that prior to being a police officer you were a dispatcher here.

Off. Thompson: That's right.

Lt. Mendes: You were a successful dispatcher. Is that correct?

Off. Thompson: I guess that's up to interpretation, but I'd hope so.

Lt. Mendes: You had standard, or above standard, performance evaluations, and no real complaints from your supervisors.

Off. Thompson: Correct.

Lt. Mendes: When you were in dispatch, you had times when you were assigned to work inquiry.

Off. Thompson: Correct.

Off. Thompson interview transcript (5-9-13)

Lt. Mendes: Inquiry is a frequency that does all the queries for people who are on Fourth Waiver, wants warrants, vehicle license, vehicle registrations, etc. Is that correct?

Off. Thompson: Correct.

Lt. Mendes: Is it fair to say that you're pretty proficient with all of the computer systems that are needed to run those systems?

Off. Thompson: Yes.

Lt. Mendes: Okay. In fact, if you had to guess, would you say that you probably have better skills than most of the people on your watch as far as speed is concerned?

Off. Thompson: Yes.

Lt. Mendes: When you approached on the scene ...

Off. Thompson: That includes dispatch. Sorry. That's why officers have me run their stuff for them.

Lt. Mendes: All right. When you came up on the scene, you had told Sergeant Williams that Officer Torres was visually covering the passenger, and Officer Sisco had the driver out, and was conducting either some type of search, preparing for handcuffing, or something like that. Although you don't know what happened at the time of the stop, would it make sense to you, from a safety perspective, to go into the car and run someone after you've made this stop with no control over either the driver or the passenger?

Off. Thompson: No.

Lt. Mendes: It doesn't make sense that you would abandon the people that you were supposed to be watching, to go back and run an inquiry.

Off. Thompson: Correct.

Lt. Mendes: All right.

Off. Thompson: Are you talking if I'm the primary officer?

Lt. Mendes: Yes. You talked to ... you had also told Sergeant Williams about ... you said that Officer Burns had some trust issues with respect to Officer Sisco, and then later ... on follow-up, you talked about some personal issues. Now that Sergeant

Off. Thompson interview transcript (5-9-13)

Williams and I have asked you questions about this specific incident, was there anything else that was specific or similar to this type of activity that you and Officer Burns talked about, outside of this stop?

Off. Thompson: No. It was ... yeah ... it was ...

Lt. Mendes: It was personal, and not business.

Off. Thompson: Correct.

Lt. Mendes: Okay. That's it.

Sgt. Williams: How long were you a dispatcher for the Carlsbad PD?

Off. Thompson: About three-and-a-half years, approximately.

Sgt. Williams: Okay. I don't have anything else. Do you have anything else about this incident that you think we should know about that I haven't asked you about?

Off. Thompson: Not that I can think of.

Sgt. Williams: Okay. I have no further questions at this time. On behalf of the Chief of Police, I am ordering you not to disclose anything we discussed during this interview, or anything regarding this investigation with anyone. However, you may speak with legal counsel should you choose to consult an attorney. Disclosure of anything we discussed during this interview would be considered insubordination, and by itself, would subject you to disciplinary action up to, and including, termination. Officer Off. Thompson, do you understand?

Off. Thompson: I do.

Sgt. Williams: This order will remain in effect, indefinitely, due to the nature of this investigation. This concludes the interview. The time is now 4:32 p.m. I will turn off the tape.

23

Sgt. Williams: I am Sgt. Williams, and I am the officer in charge of this investigation for the Carlsbad Police Department. Today's date is May 9, 2013, and the current time is 4:42 p.m. We are in my office at the Carlsbad Police Station. Lt. Mendes is also present and will be assisting with this interview. Present at this interview is Officer Michael Torres. Officer Derrick Harvey is also present and is being permitted to act as your representative. The interview is being recorded by me and also being recorded by Office Harvey.

The purpose of this interview is to discuss an allegation of misconduct by Officer Taryn Sisco on March 14, 2013. Specifically it is alleged that Officer Sisco provided false information to her supervisor and authored either a false or inaccurate police report related to an incident that occurred on March 14, 2013. Today's questioning concerns administrative matters relating to the official business of the Carlsbad Police Department. On behalf of the Chief of Police, I now order you to answer my questions completely and truthfully. If at any point I determine your involvement is more than that of a witness, I will stop the interview, and we will reschedule for a later time wherein you will be provided with all the rights afforded to an accused officer, per the Peace Officer Bill of Rights. Officer Torres, do you understand what I just read you?

Off. Torres: Yes.

Sgt. Williams: Do you have any questions regarding what I read?

Off. Torres: No.

Sgt. Williams: Before we begin the recording, I had you read the arrest report that was written by Officer Sisco on March 14, 2013, case number 13-01544. It's a traffic stop that led to a DUI arrest, drug arrest. Do you remember that incident?

Off. Torres: Yeah.

Sgt. Williams: Looking at the CAD, it looks like you served as a cover officer?

Off. Torres: Yes.

Sgt. Williams: On the incident do you remember what drew you to the incident? Were you there when the stop was made or were you dispatched to cover, or did you just hear it and go?

Off. Torres: I believe I was dispatched or I was enroute all ready, because I heard the traffic stop go out, so generally I would go to a cover if I hear a traffic stop when I'm near, I'll just start heading that way.

Sgt. Williams: Are you sure you weren't there when she made the stop?

Off. Torres: Oh, positive.

Sgt. Williams: When you first arrived on scene, were you over by the Flippin' Pizza area?

Off. Torres: Yes.

Sgt. Williams: What did you see when you first got on scene? What was going on?

Off. Torres: I saw Officer Thompson and Sisco. I believe the subjects were already on the curb, already exited the vehicle.

Sgt. Williams: Are you sure Officer Thompson was there when you got there?

Off. Torres: I am pretty sure I was the third one on scene. I remember him being there. I am thinking that he was already there.

Sgt. Williams: Okay. In your mind you remember him being there?

Off. Torres: I definitely remember him being there, absolutely.

Sgt. Williams: When you first got there?

Off. Torres: I think so.

Sgt. Williams: Looking at the CAD, it shows she made the traffic stop at 21:03, and it shows you on scene at 21:07, and the CAD shows Officer Thompson showing up on scene at 21:08. Do you remember, when you arrived at this location, did you press the button on your computer to show you were on scene, or did you tell Dispatch you were there or ...

Off. Torres: I would definitely. I normally press the button, but I'm trying to think back, like I don't remember. I remember him being there, and I remember me getting there, but I could have sworn he was there before me, but I could be wrong. I mean it was routine, it wasn't like a ... so I didn't think much of it.

Sgt. Williams: You said you think both of the suspects were on the curb when you got there?

Off. Torres: I think so, because I do remember I provided, I was like the security pretty much the whole time I remember just standing there with both of them, and I was chatting with them, so that's all I remember.

Sgt. Williams: You were chatting with ...

Off. Torres: The people on the curb, the ...

Sgt. Williams: The two suspects?

Off. Torres: Right.

Sgt. Williams: Did you know the two suspects?

Off. Torres: I do not.

Sgt. Williams: Had you ever dealt with them before?

Off. Torres: No.

Sgt. Williams: Their names are; the male was [REDACTED] Does that name ring a bell as somebody you've ever dealt with before this incident?

Off. Torres: Mm-mm (No).

Sgt. Williams: The female was [REDACTED] Have you ever dealt with her?

Off. Torres: No, I don't think so.

Sgt. Williams: When you saw them, you didn't recognize them?

Off. Torres: No.

Sgt. Williams: At any point during the time you were on the scene, did Officer Sisco ever tell you what she stopped the people for?

Off. Torres: No. One thing we discussed, I remember there was drugs, and then we were asking about the penal, what section, she was asking what section that they would fall under.

Sgt. Williams: What certain drugs would fall under?

Off. Torres: Right.

Sgt. Williams: Like after she found them?

Off. Torres: Yeah.

Sgt. Williams: Did you ever ask, or did she ever tell you, why she stopped these people?

Off. Torres: No, we didn't talk about that stuff.

Sgt. Williams: Do you remember when you were talking to the male or the female suspect if they ever told you what they were stopped for?

Off. Torres: No. I mean the only thing I was asking, I knew they like 4th waiver, and I was asking about the drug stuff, like, "How long have you used?" and that kind of thing.

Sgt. Williams: How did you know they were on 4th waiver?

Off. Torres: Because I remember checking the CAD, prior, when the Code 1 came out, and that's how I remember that, but as far as like me figuring out what was ... You know it wasn't my call, so I was just there as security.

Sgt. Williams: If you remember, do you remember if you found out that these people were, or one or both of them, were on 4th waiver probation, did you learn that from Office Sisco? Did you learn that from reading the CAD or did you hear that over the radio?

Off. Torres: I'll be honest, I don't remember how. I mean I didn't think nothing of it, I mean I don't remember if I heard it from the radio or someone told me. I really don't remember.

Sgt. Williams: Who else. Did anyone else show up on scene of that traffic stop other than you, Officer Thompson and Officer Sisco?

Off. Torres: Not to my knowledge.

Sgt. Williams: Do you ever remember the female, hearing the female suspect say that she was stopped or that they were stopped for failing to use a turn signal?

Off. Torres: No.

Sgt. Williams: You don't remember that?

Off. Torres: No.

Sgt. Williams: If she would have said that to you, would you have remembered it, or is that not significant to you?

Off. Torres: Not really significant, I wouldn't even have thought anything of it.

Sgt. Williams: At any point after this traffic stop, at any point after the time you got there, or even days later, did you ever talk to Officer Sisco about this traffic stop?

Off. Torres: No.

Sgt. Williams: Did you talk to anyone else about this traffic stop, any other officer?

Off. Torres: Yes. Officer Burns kind of mentioned that she had heard that it was something kind of weird about it but really left it like very, without really anything, nothing really said. It was kind of like, "Hey, you know, I heard that something kind of went on hinky on that traffic stop." I didn't even know what traffic stop it was, and that's all I know.

Sgt. Williams: How do you know that it was this traffic stop?

Off. Torres: I don't know. I remember we were just talking, and when everything kind of ... she said, referred to a traffic stop, and I remember her telling me, kind of mentioning it to me about it, and then that was all I remember. We didn't really talk about it and never went into detail about it.

Sgt. Williams: She tell you what was hinky?

Off. Torres: No.

Sgt. Williams: Did anyone else talk to you about this traffic stop?

Off. Torres: No.

Sgt. Williams: Did you talk to anyone else about this traffic stop?

Off. Torres: No.

Sgt. Williams: My understanding is that you ... Have you heard from anyone, either Officer Sisco or anyone else, what led Officer Sisco to make this traffic stop?

Off. Torres: No.

Sgt. Williams: Let me just tell you what I'm hearing you say, and let me know if I'm misunderstanding it. You either got dispatched to cover or you heard the traffic stop and responded to cover on your own, and when you got at the scene of the traffic stop, you believe that Officer Thompson was there, but you're not sure, or you remember him being at the stop.

Off. Torres: Right.

Sgt. Williams: You believe that both suspects were sitting on the curb already.

Off. Torres: I believe so.

Sgt. Williams: But you're not positive.

Off. Torres: No.

Sgt. Williams: That you acted more as a security cover officer during the stop, and you did engage in conversation with the suspects, but you don't have any recollection of really what was said.

Off. Torres: No it was real small talk just to kind of keep them at ease , so we just, so I just rapped, you know not rapped, but talked with them.

Sgt. Williams: Then at some point during this stop, you learned that the suspects were on 4th waiver, and you don't remember if that came from Officer Sisco or it came from reading the CAD or if it came over the radio, you don't remember.

Off. Torres: I don't remember.

Sgt. Williams: Then later, after the drugs were found, you remember having a conversation with Officer Sisco about what the appropriate sections to charge them ...

Off. Torres: Right.

Sgt. Williams: For. Then after this traffic stop, do you remember how much after or when it was that you talked to Officer Burns about it?

Off. Torres: Not really, no. Like I say, the conversation was very, like vague. There was nothing really said, but I do remember kind of saying you know something about it being hinky about a traffic stop, but I didn't even know what traffic stop she was talking about.

Sgt. Williams: You say hinky?

Off. Torres: Hinky.

Sgt. Williams: Okay. Did Officer Burns seek you out, or did you seek her out?

Off. Torres: There was no seeking. We just happened to be car to car one night.

Sgt. Williams: I guess my question is this. Did you bring up this traffic stop or the stop, this stop and mention it to Officer Burns' as being hinky ...

Off. Torres: Oh no.

Sgt. Williams: Or did Officer Burns mention it to you that she had heard it was hinky?

Off. Torres: Right.

Sgt. Williams: LT, you got anything else?

Lt. Mendes: Yes, just a couple of things. Let me look at that.

Just a couple of questions Mike.

Off. Torres: Sure.

Lt. Mendes: You told Sgt. Williams that your job was to essentially be the cover officer in this case, and you talked about making small talk with the two subjects that were on the curb.

Off. Torres: Correct.

Lt. Mendes: That's kind of part of your job is to distract them so that the primary officer can get their business done.

Off. Torres: Correct.

Lt. Mendes: Do you remember if both or just the driver was arrested?

Off. Torres: I don't even remember who was arrested to be honest with you.

Lt. Mendes: Do you remember after the arrest was being made the plethora ... well, it's routine to have, especially in a deuce arrest, a plethora of paperwork that goes along with it, the property bag, the fish slip, the arrest report, the probable cause slip, and whatever else, the impound. Do you remember helping her fill out any of these forms or did you just say, "Here you go, have a good night."

Off. Torres: No, I definitely, I would have helped, I help everybody, so I would say, I definitely probably did, I can't definitely say, but I'm pretty sure, I probably helped with the booking slip. I mean that's just routine of what we do, but I didn't see this any different than any other one.

Off. Torres interview transcript 5-9-13

Lt. Mendes: Right, but you don't specifically remember filling out any of the paperwork for her?

Off. Torres: I can't say specifically, and honestly I don't for sure 100% know.

Lt. Mendes: That's all I got.

Sgt. Williams: Okay, is there anything else about this incident that you think is significant that we should know about?

Off. Torres: No.

Sgt. Williams: Okay. I have no further questions at this time. On behalf of the Chief of Police, I am ordering both of you not to disclose anything we discussed during this interview or anything regarding this interview with anyone other than each other; however, you may speak with legal counsel should you choose to consult an attorney. Disclosure of anything we discussed during this interview would be considered insubordination and by itself would subject you to disciplinary action up to and including termination. Officer Torres, do you understand?

Off. Torres: Yes.

Sgt. Williams: This order will remain in effect indefinitely due to the nature of this investigation. This concludes the interview. The time is now 4:55 p.m., and I'll turn the tape off.

24

Sgt. Williams: I'm Sargent Williams, I'm the officer in charge of this investigation for the Carlsbad Police Department. Today's date is May 9, 2013. The current time is approximately 5:04 PM. We are in my office at the Carlsbad Police Station, Lieutenant Mendes is also present and will be assisting with this interview. Present at this interview is Officer Justin Richards who is alone. This interview is being recorded. The purpose of this interview is discuss an allegation of misconduct against Officer Terrance Sisco on March 14, 2013 specifically it is alleged Officer Sisco provided false information to her supervisor and offered either a false or inaccurate police report related to an incident that occurred on March 14, 2013.

Today's questioning concerns administrative matters relating to the official business of the Carlsbad Police Department. On behalf of the Chief of Police, I now order you to answer my questions completely and truthfully. If at any point I determine your involvement is more than that of a witness I will stop the interview and we will reschedule for a later time wherein you will be provided with all the rights afforded to an accused officer per the Peace Officer Bill of Rights. Officer Richards do you understand what I just read you?

Off. Richards: Yes.

Sgt. Williams: Do you have any questions regarding what I read?

Off. Richards: No.

Sgt. Williams: Before the interview began I had you read the arrest report that was authored by Officer Sisco documenting this traffic stop that we want to talk about that led to a DUI arrest, Carlsbad case 13-01544. Tell me what you remember if anything about this incident.

Off. Richards: All I remember is hearing it on the radio and the name [REDACTED] specifically was familiar to me and it ended up being a different [REDACTED] but I had looked it up on SD Law to see if that person had been arrested as I do commonly when I hear people's names. That's pretty much all I remember about that.

Sgt. Williams: There was two people that were ran on this traffic stop. One was [REDACTED] which was a male and there was a female by the name of [REDACTED] Do you remember which one, do you remember or have a recollection on which one sounded familiar?

Off. Richards: I think [REDACTED] sounded familiar at the time.

Sgt. Williams: [REDACTED]

Off. Richards interview transcript (5-9-13)

Off. Richards: Oh no it was [REDACTED].

Sgt. Williams: What made you think that it sounded familiar?

Off. Richards: There's a girl down in La Costa, her name is [REDACTED] or [REDACTED] or something like that. It stood out from working the eight beat it sounded familiar.

Sgt. Williams: Did you ever arrive on scene of this traffic stop that was conducted by Officer Sisco?

Off. Richards: No.

Sgt. Williams: Did you ever talk to Officer Sisco about this traffic stop?

Off. Richards: No not that I recall.

Sgt. Williams: Did you ever talk to Officer Sisco about [REDACTED]?

Off. Richards: Not that I remember.

Sgt. Williams: What about did you talk about Officer Sisco about [REDACTED]?

Off. Richards: No, I might have asked what she got like on the stop if she, just out of curiosity.

Sgt. Williams: After the stop you mean?

Off. Richards: Yeah, I'll ask, "What did you get out of it" or something like that but I don't even remember doing that.

Sgt. Williams: Did you talk to anyone else in the department about Officer Sisco's stop, this stop?

Off. Richards: No. I know Thompson was there but I don't remember talking to anybody about it.

Sgt. Williams: Did you talk to Officer Thompson about it?

Off. Richards: Not anything about this stop. I probably asked him the same thing if I didn't get a response from Sisco in regards to what she got, just curiosity.

Sgt. Williams: Are you aware that you've arrested [REDACTED] before?

Off. Richards: That may have been why that sounded familiar. I don't remember looking up what or who and I don't remember the results of it. It's been, I'd say awhile.

Off. Richards interview transcript (5-9-13)

Sgt. Williams: It looks like you've conducted three EJIMS increase on to [REDACTED] at about 21:15 hours and the stop was made at 21:03.

Off. Richards: [REDACTED] is the car registered to her?

Sgt. Williams: Yeah.

Off. Richards: That might have been why. Like I said I don't remember exactly what it was or why I would have run it. I don't know she was running someone prior to or if I hear somebody run a plate or running somebody I'll look up what they've been arrested for and I'll just go through their booking history just to see if that's familiar to me or if I have any info that dispatch doesn't give them cause that seems to be the case sometimes.

Sgt. Williams: Did anyone ask you to do this inquires?

Off. Richards: No.

Sgt. Williams: Did you relay any information that you learned from these inquires to Officer Sisco or anyone else at the scene?

Off. Richards: I don't recall. I may have gotten on the radio and said, "Hey just so you know she has priors of this" or something like that because I've done that. If dispatch doesn't give their priors I'll just say "Just so you know they have some stuff for 11377 or 350" or whatever it is just out of and giving them a heads up because I like having that information if I'm on a stop and dispatch doesn't always give that. They may just say, "Hey their 11-29 negative fourth, with some priors." For me that's helpful.

Sgt. Williams: As far as Officer Sisco's concerned, I think you already told me you didn't relay any prior information before her traffic stop regarding these two people as people you recognized or any background information on them.

Off. Richards: Not unless she ran them and I overheard her running them. I don't remember though.

Sgt. Williams: You don't remember giving her any info?

Off. Richards: No.

Sgt. Williams: Do you now hearing the name [REDACTED], do you have a recollection of when you might have arrested her?

Off. Richards interview transcript (5-9-13)

Off. Richards: Not off the top of my head no.

Sgt. Williams: Okay.

Off. Richards: I'm sure once I saw a picture of her or something where I was looking at EJIMS I could probably tell you where or have an idea but I don't. Even still I don't know.

Sgt. Williams: What I'm hearing you say, let me know if I may have gotten any of this incorrect is over the radio you hear Officer Sisco during her traffic stop do an inquire on [REDACTED]. That name sounds familiar to you so on your own accord you type in EJIMS to see what you could learn from it. It looks like it was recorded at 21:15 which would have been about 12 minutes after the traffic stop and you never went on scene of the traffic stop.

Off. Richards: No.

Sgt. Williams: Did you ever talk to Officer Sisco about what led to the traffic stop?

Off. Richards: No.

Sgt. Williams: Did she ever tell you what led to the traffic stop? Did anyone ever tell you what led to the traffic stop?

Off. Richards: Not that I remember, no. I mean it's one traffic stop.

Sgt. Williams: I understand.

Off. Richards: I don't remember.

Sgt. Williams: Anything else? Okay. Is there anything else you can think of regarding this that I haven't asked you about that you think we should know?

Off. Richards: No, like I said I don't know a whole lot about it so I can't really say too much I guess.

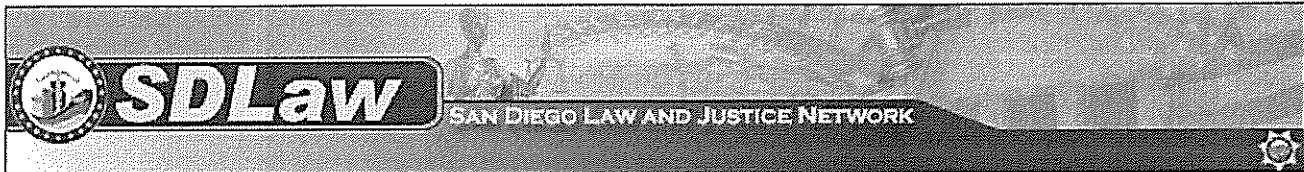
Sgt. Williams: Okay, I have no further questions at this time. On behalf of the Chief of Police I'm ordering you not to disclose anything we discussed during this interview or anything regarding this investigation with anyone. However, you may speak with legal council should you choose to consult an attorney. Disclosure of anything we discussed during this interview would be considered insubordination and by itself would subject you to disciplinary action up to and including termination. Officer Richards do you understand?

Off. Richards: Yes.

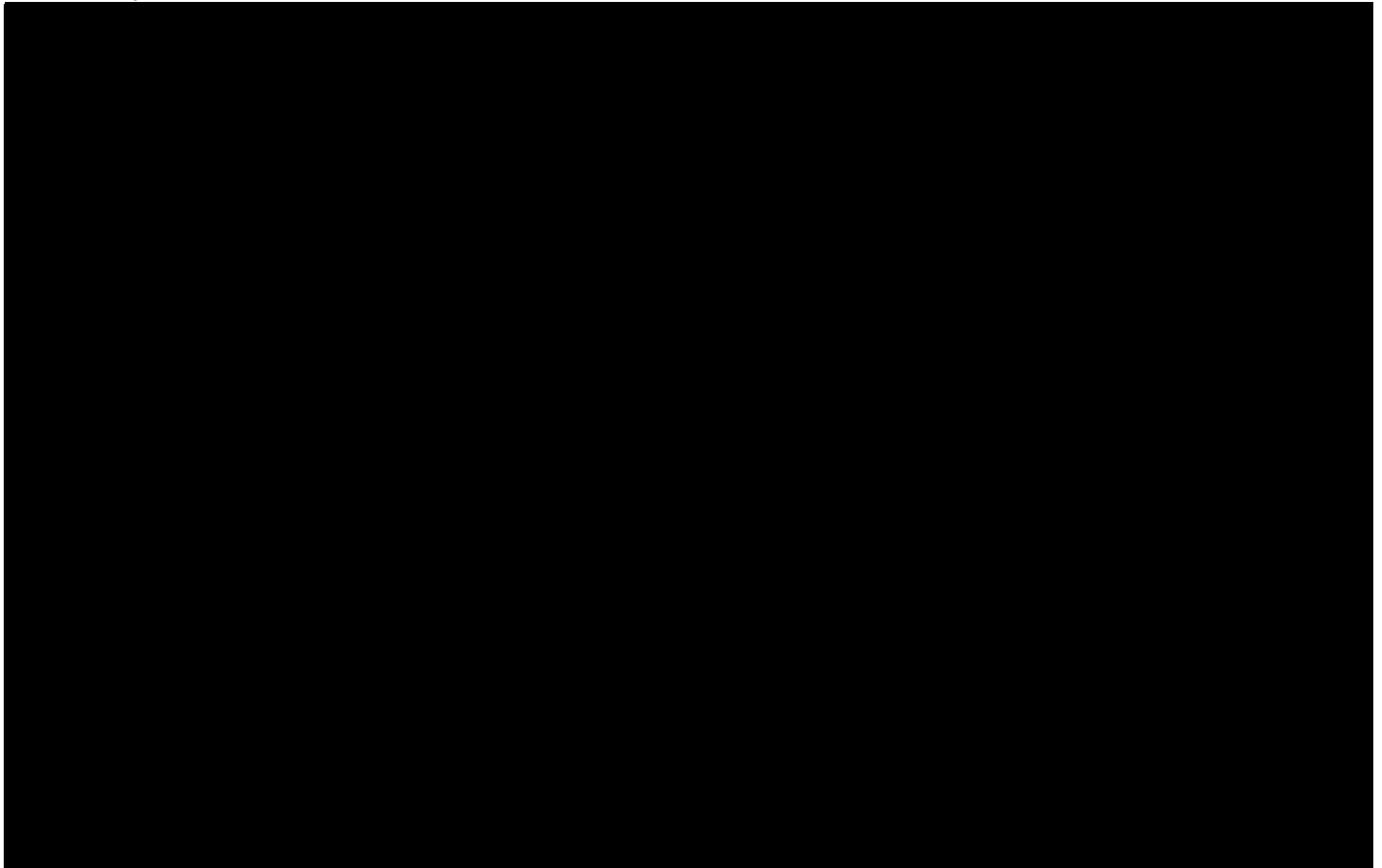
Off. Richards interview transcript (5-9-13)

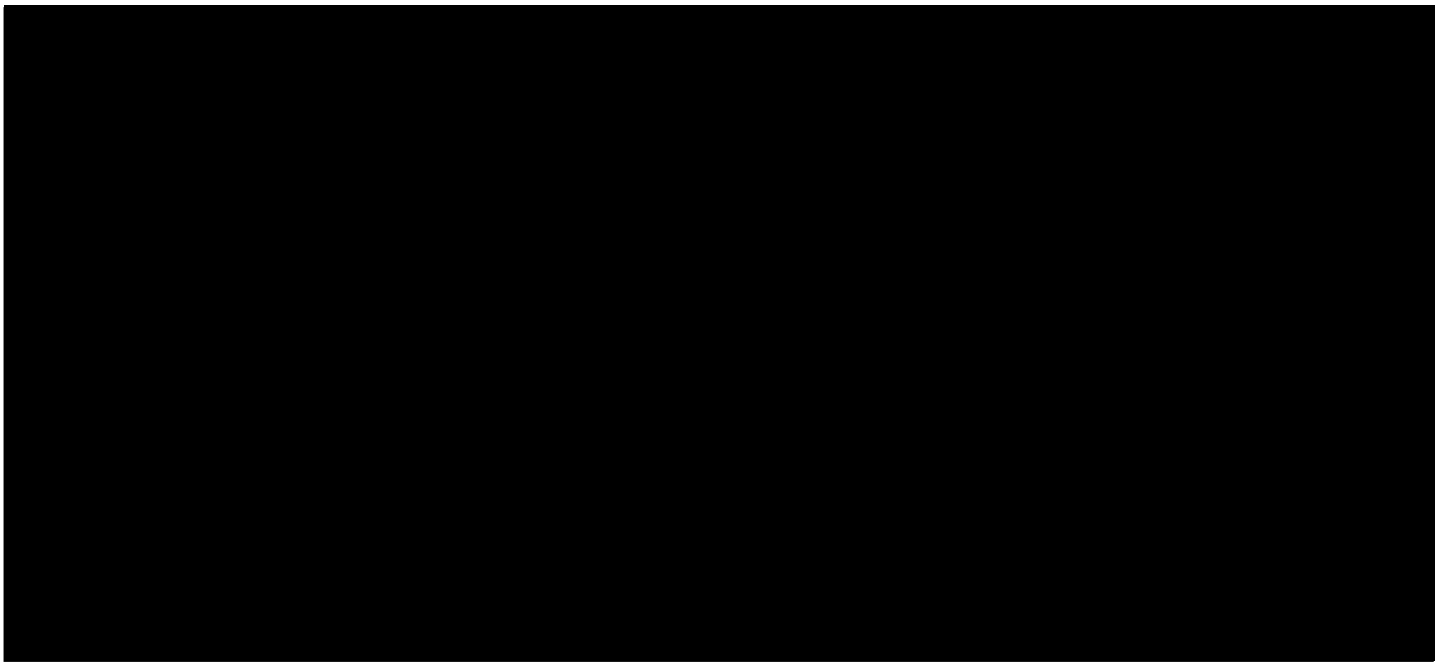
Sgt. Williams: This order will remain in effect indefinitely due to the nature of this investigation. This concludes the interview. The time is now 5:13 PM. I'll turn the tape off.

25



User: Mickey Williams Agency: CB Last Sign in: 4/26/2013 10:58:46 AM, [SDLaw Home](#) [My Profile](#) [Contact Us](#) [Sign Out](#)



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- Use of this system is authorized for San Diego Sheriff's users and other authorized law enforcement agencies only. Individuals attempting to use this system without authority, and/or in excess of their authority, are subject to arrest and prosecution. All users of this system are hereby notified that all activities of this system are monitored and recorded.

[[SDLaw Home](#) | [eJIMS](#) | [eWarrant](#) | [eLab Tox](#) | [Contact Us](#) | [Sheriff's Internet Site](#)]

Mickey Williams

From: Ross, Amanda <Amanda.Ross@sdccda.org>
Sent: Friday, April 26, 2013 2:12 PM
To: Mickey Williams
Subject: RE: [REDACTED]
Attachments: 0603_001.pdf

So I copied the entire left side of the court's file for you. I think the first Minutes is the one you are looking for but just in case, you now have everything.
Anything we can do, please let us know.
Thanks.

Amanda Ross
Paralegal, North County Branch
San Diego District Attorney's Office
t: 760.806.4016
f: 760.806.4161
amanda.ross@sdccda.org

From: Mickey Williams [<mailto:Mickey.Williams@carlsbadca.gov>]
Sent: Friday, April 26, 2013 11:02 AM
To: Ross, Amanda
Subject: [REDACTED]; [REDACTED]; [REDACTED]

Thanks my cell is [REDACTED]



Mickey Williams
Sergeant
Carlsbad Police Department
Professional Standards and Services Division
2560 Orion Way
Carlsbad, CA 92010

P: 760-931-2178
F: 760-931-8473
mickey.williams@carlsbadca.gov

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
Substance Abuse Assessment Unit - Addendum to Minutes

☐ Central Division, 220 W. Broadway, San Diego, CA 92101
☐ East County Division, 1000 La Jolla Village Drive, San Diego, CA 92037

☒ North County Division, 325 S. Melrose Dr., Suite 500, Vista, CA 92081
☐ South County Division, 500 3rd Ave., Chula Vista, CA 91910

PEO. VS. [REDACTED]

CASE # [REDACTED]

DATE 3/29/13 CHARGE(S) 18 HS 11377(a) 1764 ☐ VACATE ☐ CONFIRM

- ☐ Defendant failed to appear/comply: _____
☐ Commit warrant ordered, no bail, for _____ days. Schedule the defendant for court.
☐ Bench warrant ☐ ordered, bail set at \$ _____ ☐ rescinded ☐ recalled by _____ ☐ cleared by arrest on _____ by _____
☐ Held to date set below. ☐ Mandatory Appearance Required. ☐ Night Service Authorized. ☐ Warrant issued on _____ by _____

☒ PROBATION IS ☐ REVOKED ☐ REINSTATED ☐ TERMINATED ☒ CONTINUED ☒ MODIFIED as indicated below
☐ EXTENDED TO: _____ ☒ SAME TERMS & CONDITIONS

DEFENDANT, HAVING BEEN REFERRED TO THE SUBSTANCE ABUSE ASSESSMENT UNIT (SAAU), IS HEREBY ORDERED TO FOLLOW THE CONDITIONS LISTED BELOW, AS RECOMMENDED BY THE SUBSTANCE ABUSE ASSESSOR:

PROGRAMS ☐ Re-referral/Extension ☒ ATTEND AND COMPLETE THE FOLLOWING COURT ORDERED PROGRAMS:

- ☐ First Conviction Program (FCP) for _____ months ☐ 12 Hour ED ☐ Multiple Conviction Program (MCP) ☐ STAR
☐ Enroll by _____ ☐ MADD Impact Panel

☒ Inpatient/Outpatient/Detoxification treatment at: Comply w/ Workman's Complaint recommendations

- ☐ Self-help meetings _____ each day / week / month for _____ Total meetings: _____ ☐ Show/mail proof to court by: _____
☐ Anger Management Program ☐ Individual Counseling ☐ Sex Offender Counseling ☐ Parenting Classes ☐ Child Abuse Classes
☐ Domestic Violence Program at: _____
☐ Out of county/state provider authorized: _____
☐ _____

SUBMIT ☐ TO DRUG TESTING: ☐ hair follicle ☐ random urinalysis ☐ Other: _____
☐ Proof of ☐ HS11590 ☐ PC290 REGISTRATION to the court by: _____
☐ PC1202.1 HIV TESTING results to the court by: _____ ☐ PC1001.10 HIV EDUCATION completion to the court by: _____
☐ _____

PUBLIC SERVICE ☐ Re-referral granted. ☐ Defendant must complete _____ days of Public Service Program.
☐ Report/Enroll by: _____ ☐ You must call (858) 560-3258 within 72 hours. ☐ Out of county authorized.
☐ Defendant must complete _____ hours of Volunteer Work. Proof of completion is due to the court by: _____

OTHER As per prior SAAU order.

☒ Proof of app'd w/ dr. on March 29, 13 ☐ shown, ☒ filed, ☐ condition satisfied.

☐ THE DEFENDANT IS ORDERED TO APPEAR IN COURT on _____ at _____ in Dept. _____ for _____
☒ Report to the SAAU OFFICE for monitoring on 4-29-13 at 8:30 for Litter from Doctor
☐ Proof of ☐ enrollment due by _____ ☐ completion due by _____ ☐ due to the court by MAIL
For: ☐ FCP ☐ MCP ☐ Domestic Violence ☐ Anger Management ☐ Drug Treatment Program ☐ Self-help meetings ☐ Volunteer Work
☐ Other: _____ ☐ MADD completion due by _____

Name: [REDACTED]

Defendant's Signature: _____

Address: [REDACTED]

Defendant's Phone Number: _____

City: San Marcos State: CA Zip: 92054

By Order of the Presiding Judge/Assessor/Clerk Signature: [Signature]

Distribution by: _____ on _____ to: ☒ DEFT ☐ ATTY ☐ FCP/MCP ☐ PROBATION ☐ PSP ☐ _____

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
Substance Abuse Assessment Unit - Addendum to Minutes

☐ Central Division, 220 W. Broadway, San Diego, CA 92101
☐ East County Division, 250 E. Main, El Cajon, CA 92020

☒ North County Division, 325 S. Melrose Dr., Suite 500, Vista, CA 92081
☐ South County Division, 500 3rd Ave., Chula Vista, CA 91910

PEO. VS. [REDACTED] CASE # [REDACTED]

DATE 2-28-13 CHARGE(S) 1) HS11377(a) 1764 ☐ VACATE ☐ CONFIRM

☐ Defendant failed to appear/comply: _____
☐ Commit warrant ordered, no bail, for _____ days. Schedule the defendant for court.
☐ Bench warrant ☐ ordered, bail set at \$ _____ ☐ rescinded ☐ recalled by _____ ☐ cleared by arrest on _____ by _____
☐ Held to date set below. ☐ Mandatory Appearance Required. ☐ Night Service Authorized. ☐ Warrant issued on _____ by _____

☒ PROBATION IS ☐ REVOKED ☐ REINSTATED ☐ TERMINATED ☒ CONTINUED ☒ MODIFIED as indicated below
☐ EXTENDED TO: _____ ☒ SAME TERMS & CONDITIONS

DEFENDANT, HAVING BEEN REFERRED TO THE SUBSTANCE ABUSE ASSESSMENT UNIT (SAAU), IS HEREBY ORDERED TO FOLLOW THE CONDITIONS LISTED BELOW, AS RECOMMENDED BY THE SUBSTANCE ABUSE ASSESSOR:

PROGRAMS ☒ Re-referral/Extension ☒ ATTEND AND COMPLETE THE FOLLOWING COURT ORDERED PROGRAMS:

☐ First Conviction Program (FCP) for _____ months ☐ 12 Hour ED ☐ Multiple Conviction Program (MCP) ☐ STAR

☐ Enroll by _____ ☐ MADD Impact Panel

☒ Inpatient/Outpatient/Detoxification treatment at: Comply w/ workman Comp Pain Dr regarding

☐ Self-help meetings _____ each day / week / month for _____. Total meetings: _____ ☐ Show/mail proof to court by: never

☐ Anger Management Program ☐ Individual Counseling ☐ Sex Offender Counseling ☐ Parenting Classes ☐ Child Abuse Classes

☐ Domestic Violence Program at: _____

☐ Out of county/state provider authorized: _____

☐ _____

SUBMIT ☐ TO DRUG TESTING: ☐ hair follicle ☐ random urinalysis ☐ Other: _____

☐ Proof of ☐ HS11590 ☐ PC290 REGISTRATION to the court by: _____

☐ PC1202.1 HIV TESTING results to the court by: _____ ☐ PC1001.10 HIV EDUCATION completion to the court by: _____

☐ _____

PUBLIC SERVICE ☐ Re-referral granted. ☐ Defendant must complete _____ days of Public Service Program.

☐ Report/Enroll by: _____ ☐ You must call (858) 560-3258 within 72 hours. ☐ Out of county authorized.

☐ Defendant must complete _____ hours of Volunteer Work. Proof of completion is due to the court by: _____

OTHER Court will accept 6 months of Med Management

compliance (per prior SAAU decision)

☐ Proof of _____ ☐ shown. ☐ filed. ☐ condition satisfied.

☐ THE DEFENDANT IS ORDERED TO APPEAR IN COURT on _____ at _____ in Dept. _____ for: _____

☒ Report to the SAAU OFFICE for monitoring on 3-28-13 at 8:30 for Briana Litter from Doc.

☐ Proof of ☐ enrollment due by _____ ☐ completion due by Litter ☐ due to the court by MAIL

For: ☐ FCP ☐ MCP ☐ Domestic Violence ☐ Anger Management ☐ Drug Treatment Program ☐ Self-help meetings ☐ Volunteer Work

☐ Other: _____ ☐ MADD completion due by _____

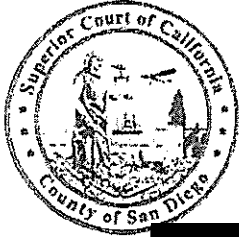
Name: [REDACTED] Defendant's Signature: [REDACTED]

Address: [REDACTED]

City: Del Mar State: CA Zip: 92051 Defendant's Phone Number: [REDACTED]

By Order of the Presiding Judge/Assessor/Clerk Signature: [Signature]

Distribution by: _____ on _____ to: ☒ DEFT ☐ ATTY ☐ FCP/MCP ☐ PROBATION ☐ PSP ☐ _____

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**

- ☐ CENTRAL DIVISION, COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101
☐ CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101
☐ CENTRAL DIVISION, KEARNY MESA, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123
☐ EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020
☐ EAST COUNTY DIVISION, RAMONA, 1428 MONTECITO RD., RAMONA, CA 92065
☒ NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081
☐ SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910

ION UNIT ADDENDUM TO MINUTES

PEOPLE VS. [REDACTED]

CASE NO. [REDACTED]

DATE 01-11-13 CHARGE(S) 1) HS11377 (a) 17(b)(4)

You have been ordered to pay a fine/fees/assessment/costs, and have been referred to the Court Collection Unit regarding payment. You must comply with the terms indicated below.

This addendum only addresses the court-ordered fine/fees/assessment/costs, and does not modify or negate any other terms or conditions imposed by the court.

Defendant has been ordered by the court to pay a fine, including fees and assessments of \$ 585.

Defendant to pay fine:

- ☐ \$ _____ forthwith.
☐ \$ _____ including accounts receivable fee, due by _____
☒ \$ 585 including installment fee, payable at the rate of \$ 25 per month on the 1474
 of each month commencing 02-14-13 until paid in full.

Public Service Program ☐ \$ _____ converted to _____ days Public Service Program.

☐ ENROLL / REPORT BY _____ at _____ ☐ CALL (858) 560-3258 within 72 hours.

Volunteer Work ☒ \$ 92.50 converted to 23.4 hours of volunteer work to be done at any non-profit agency.

Proof of completion is due to the court on 03-14-13 at _____ a.m./p.m. Dept. _____

☐ _____ of _____ days/hours of Public Service Program/Volunteer Work completed. Balance of
 _____ days/hours converted back to fine \$ _____. See above for payment due dates.

☐ Other: _____

**MAKE CHECKS PAYABLE TO CLERK OF SUPERIOR COURT AND SEND PAYMENTS TO THE ADDRESS CHECKED ABOVE--OR--
 PAY ONLINE OR BY PHONE WITH THE COURT'S ONLINE PAYMENT SYSTEM AT WWW.SDCOURT.CA.GOV OR (619) 906-5888.**

IMPORTANT: Failure to comply and/or pay the court-ordered fine may result in a civil penalty of up to \$300 being imposed, and/or a warrant for your arrest. Additionally, license holds, suspensions, and new misdemeanor charges may be ordered.

I HAVE RECEIVED A COPY AND UNDERSTAND the above conditions.

[REDACTED] Telephone Number [REDACTED]
 [REDACTED]
 Defendant's Address City State Zip

Prepared and executed by: [Signature]
 Court Collection Officer/Court Operations Clerk

Distribution: ☐ Orig. to file. cc: ☒ Defendant ☐ Probation Dept. ☐ Other _____

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
Substance Abuse Assessment Unit - Addendum to Minutes

☐ Central Division, 220 W. Broadway, San Diego, CA 92101
☐ East County Division, 250 E. Main, El Cajon, CA 92020

☒ North County Division, 325 S. Melrose Dr., Suite 500, Vista, CA 92081
☐ South County Division, 500 3rd Ave., Chula Vista, CA 91910

PEO. VS. [REDACTED]

CASE # [REDACTED]

DATE 1-14-13 CHARGE(S) HS11377(A) 1764

☐ VACATE ☐ CONFIRM

- ☐ Defendant failed to appear/comply: _____
☐ Commit warrant ordered, no bail, for _____ days. Schedule the defendant for court.
☐ Bench warrant ☐ ordered, bail set at \$ _____ ☐ rescinded ☐ recalled by _____ ☐ cleared by arrest on _____ by _____
☐ Held to date set below. ☐ Mandatory Appearance Required. ☐ Night Service Authorized. ☐ Warrant issued on _____ by _____
☒ PROBATION IS ☐ REVOKED ☐ REINSTATED ☐ TERMINATED ☒ CONTINUED ☒ MODIFIED as indicated below
☐ EXTENDED TO: _____ ☒ SAME TERMS & CONDITIONS

DEFENDANT, HAVING BEEN REFERRED TO THE SUBSTANCE ABUSE ASSESSMENT UNIT (SAAU), IS HEREBY ORDERED TO FOLLOW THE CONDITIONS LISTED BELOW, AS RECOMMENDED BY THE SUBSTANCE ABUSE ASSESSOR:

PROGRAMS ☐ Re-referral/Extension ☒ ATTEND AND COMPLETE THE FOLLOWING COURT ORDERED PROGRAMS:

- ☐ First Conviction Program (FCP) for _____ months ☐ 12 Hour ED ☐ Multiple Conviction Program (MCP) ☐ STAR
☐ Enroll by _____ ☐ MADD Impact Panel

☒ Inpatient/Outpatient/Detoxification treatment at: Comply w Work Comp. Pain Doc regarding medication

- ☐ Self-help meetings _____ each day / week / month for _____ Total meetings: _____ ☐ Show/mail proof to court by: _____
☐ Anger Management Program ☐ Individual Counseling ☐ Sex Offender Counseling ☐ Parenting Classes ☐ Child Abuse Classes
☐ Domestic Violence Program at: _____

☐ Out of county/state provider authorized: _____

SUBMIT ☐ TO DRUG TESTING: ☐ hair follicle ☐ random urinalysis ☐ Other: _____

☐ Proof of ☐ HS11590 ☐ PC290 REGISTRATION to the court by: _____

☐ PC1202.1 HIV TESTING results to the court by: _____ ☒ PC1001.10 HIV EDUCATION completion to the court by: 2-28-13

PUBLIC SERVICE ☐ Re-referral granted. ☐ Defendant must complete _____ days of Public Service Program.

☐ Report/Enroll by: _____ ☐ You must call (858) 560-3258 within 72 hours. ☐ Out of county authorized.

☐ Defendant must complete _____ hours of Volunteer Work. Proof of completion is due to the court by: _____

OTHER Court will accept 6 mths of Med management compliance
to satisfy treatment condition of this case

Letter to address state monitoring for pain management & what medication

☒ Proof of and what dosage, 3 Med. compliance as far as he knows.

☐ shown. ☐ filed. ☐ condition satisfied.

☐ THE DEFENDANT IS ORDERED TO APPEAR IN COURT on _____ at _____ in Dept. _____ for: _____

☒ Report to the SAAU OFFICE for monitoring on 2-28-13 at 830 for Be present with Doctor letter.

☐ Proof of ☐ enrollment due by _____ ☐ completion due by _____ ☐ due to the court by MAIL

For: ☐ FCP ☐ MCP ☐ Domestic Violence ☐ Anger Management ☐ Drug Treatment Program ☐ Self-help meetings ☐ Volunteer Work

☐ Other: _____ ☐ MADD completion due by _____

Name: [REDACTED]

Defendant's Signature: _____

Address: [REDACTED]

Defendant's Phone Number: _____

City: Kelowna State: BC Zip: V2Y 4G4

By Order of the Presiding Judge/Assessor/Clerk Signature: _____

Distribution by: _____ on _____ to: ☒ DEPT ☐ ATTY ☐ FCP/MCP ☐ PROBATION ☐ PSP ☐

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

Central ☒ North County Division ☒ South County Division Waivers: ☐ Time ☐ 4h
 PEOPLE: ☐ PRESENT ☐ VIA AUDIO VIDEO ☐ SELF REPRESENTED ☐ NOT PRESENT ☐ NOT PRODUCED ☐ FAILED TO APPEAR
 CASE # PROS. # DOB: CTS: days hrs.
 DATE: 1-14-13 AT DEPT. # INTERP: ☐ Spanish ☐ Sworn ☐ Oath on File
 JUDGE/COMM/TEMP JUDGE: ☐ STIP. FILED REPORTER:
 CLERK: CSR # / COUNTER #:

CHARGE(S): D. HS 1137 (a) 116(A)
 FUTURE DATES: ☐ CONFIRMED ☐ VACATED

Attorney for the People (DCA / DCA / DAG) ☐ Supervised Cert. Legal Intern
 Defendant: ☐ PRESENT ☐ VIA AUDIO VIDEO ☐ SELF REPRESENTED ☐ NOT PRESENT ☐ NOT PRODUCED ☐ FAILED TO APPEAR
 Attorney for Defendant (DCA / DCA / DAG) ☐ Supervised Cert. Legal Intern

Defendant waives arraignment for judgment. ☐ Composition ☐ Execution of sentence suspended for 3 year(s) on Ct. 1 and year(s) on Ct.
PROBATION IS GRANTED ☐ Summary ☐ Formal on the following conditions: ☐ DENIED and defendant sentenced as follows:
☐ Violate no laws ☐ Minor or traffic violations are excepted ☐ No same or similar violations ☐ Comply with further conditions attached.

CUSTODY ☐ Commit to Sheriff for days / hours days suspended. ☐ Serve FORTHWITH
☐ Additional days custody stayed pending: ☐ successful completion of probation ☐ review hearing ☐
☐ Report on at to: Detention Facility: ☐ Central ☐ Las Colinas ☐ Vista ☐ Work Furlough
☐ NO Early release (PC4018.6 or 4024.1) ☐ NO Work Release ☐ NO County Parole ☐ NO ESP/Home Detention
☐ days CUSTODY SATISFIED BY days PSP ☐ days in ☐ residential rehabilitation program.
☐ days CUSTODY IN LIEU OF \$ fine at \$ per day days PSP
☐ Consecutive to concurrent with above commit ☐ Consecutive weekends.

DAYS CREDIT FOR TIME SERVED	
local	
PC4019 (24)	
PC4019 (22)	
PC4019(b)(1)(c)(1) (22)	
PC4019(b)(2)(c)(2) limited (24)	
total credit	

PAY ☒ Attorney Fees \$500.00 ☐ Indigent as to Attorney Fees Fine below includes PA per PC1465.7(a)
 Fine (Ct. 1) \$ 450.00 Crim. Just. Admin Fee (GC29550.1) \$ AR/Installment Fee* (PC1205(d)) \$ **TOTAL DUE:**
 Admin Screen Fee (PC1463.07) \$ Court Oper. Assess* (PC1465.8) \$
 Restitution Fine (PC1202.4(b)) \$ 100.00 Crim. Conv. Assess* (GC70373) \$
 Probation Revocation Restitution Fine imposed & suspended (PC1202.44) \$ 140.00
☐ Payments set at \$ per month beginning on and on the of each month thereafter until paid in full.
☐ Fines and fees stayed pending ☐ successful completion of probation ☐

*The court finds the defendant has the ability to repay the County of San Diego for costs of court appointed attorney fees (see reverse). * This order is not a condition of probation.
RESTITUTION ☐ Pay restitution to the victim of \$ plus 10% annual interest on unsatisfied amount ☐ in an amount to be determined ☐ by
 Probation, payments through ☐ Court Collections ☐ Revenue & Recovery ☐ at \$ per month beg. ☐ directly to the victim and show
 proof to the court ☐ by at Review Hrg. ☐ See stipulated restitution order. ☐ Court retains jurisdiction re: restitution. ☐ Submit to civil process.
☐ Return to court upon reasonable notice by prosecutor.

PUBLIC SERVICE PROGRAM (PSP) ☐ Enroll within 60 days.
☐ Enroll by
 days as a condition of probation
 days as a condition of ☐ reduction ☐ dismissal
 days in lieu of ☐ fines/fees \$ ☐ days custody
 days credit for time served/completed
TOTAL days to be completed
☐ One day per week ☐ Weekends only ☐ Out of county work authorized.

VOLUNTEER WORK
☐ at any non-profit organization ☐ Other:
☐ to be completed at an alcohol or drug treatment program or facility (BP2565B).
 hours as condition of probation.
 hours in lieu of ☐ fines/fees \$ ☐ days ☐ custody ☐ PSP
 hours credit for time served/completed
TOTAL hours to be completed

To run ☐ consecutive to ☐ concurrent with ☐ Submit proof to the court by ☐ days custody for each day/8 hrs missed.
ALCOHOL/DRUGS ☐ Abstain from alcohol. ☐ Do not be in places where you know or law enforcement has informed you that alcohol is the main item for sale, except in the course of employment. ☐ Not knowingly use or possess any controlled substance without a valid prescription. ☐ Submit to any test at the request of a peace officer for detection of alcohol/drugs in system.

FOURTH AMENDMENT WAIVER: Submit person, vehicle, place of residence, property, personal effects to search at any time with or without a warrant, and with or without reasonable cause, when required by a Probation Officer or other law enforcement officer. (to expire 1-13-2016)

ENROLL IN & COMPLETE ☐ Anti-theft ☐ Graffiti ☐ Anger Mgmt. ☐ Drug Ed. 101 - Fine on Ct. will be deleted with proof of completion.
☐ through ☐ Individual Counseling wks mos. for
☐ Residential ☐ Outpatient alcohol/drug treatment program ☐ Submit to ☐ Sheriff to administer ☐ HIV TEST per PC1202.1.
☐ HIV/AIDS Education ☐ in custody ☐ as directed by Assessor. ☐ Attend self-help meetings per week month for days / months.
☐ Out of County authorized. ☐ STAYED pending
☐ Satisfied by residential rehabilitation ☐ concurrent ☐ consecutive ☐ Commence/continue education, psychological, psychiatric, drug, alcohol or other rehab. program recom. by the Assessor and not leave or terminate such program without written permission of the court and/or therapist.
☐ Seek/maintain full-time employment, education, training, or a combination thereof. ☐ Submit ☐ TEST RESULTS ☐ proof of
☐ ENROLLMENT ☐ PROGRESS ☐ COMPLETION ☐ by to the ☐ Court ☐ at REVIEW HEARING(S) ☐ Assessment Unit
☐ AND every 30 / 60 / days THEREAFTER.

DRIVER LICENSE ☐ Do not drive without a valid license and liability insurance ☐ VC14607.6 advisal given. ☐ License is ☐ suspended ☐ revoked
 days / years. ☐ pursuant to ☐ VC13202(a)(b) (controlled substance) ☐ VC13202.5 (under 21) ☐ VC13202.6 (graffiti)
☐ Surrender license to the court ☐ by ☐ Deft. petitions for a restricted license. ☐ Critical need found. Petition is granted ☐ Petition is denied.
☐ License is restricted for days ☐ mos. Driving is permitted to/from ☐ work ☐ school ☐ court ordered activities ☐ in course of employment.

VIOLENCE/WEAPONS ☐ Do not use force or violence upon another. ☐ Do not knowingly have contact with any victim or complaining witness in this matter.
☐ Do not knowingly own, transport, sell, or possess or control of weapons or firearms. ☐ Weapon(s) to be ☐ destroyed ☐ returned to
☐ Defendant advised that within 10 years of this conviction, owning/possessing/having custody or control of any firearm is a crime pursuant to PC12021(d)(2).
☐ Notice of firearm prohibition given per PC12021. ☐ Federal weapons advisal given.

THEFT ☐ PC666 theft advisal given. ☐ Not knowingly possess any ☐ burglary and/or vandalism tools. ☐ checks, except payroll or government checks made payable to you, or any credit cards. ☐ Do not knowingly take, hold, or receive property of another without written consent of the owner.

MISC. ☐ Stay away from ☐ Do not knowingly unlawfully enter the United States.
☐ Register pursuant to ☐ HS11590 ☐ PC290 ☐ PC457.1. ☐ Provide DNA samples as directed by Sheriff or Probation Dept. (PC296).
☐ All property impounded, seized, or held in custody in this case to be disposed of per possessing agency's policy.
☐ People will not oppose defense motion to withdraw plea & enter a guilty/no contest plea to as ☐ inf. ☐ Misd. after mo. successful probation.
☐ Obtain written consent of this court before leaving San Diego County or moving to another state.
☐ All ☐ programs ☐ fines & fees are stayed. Within 72 hours of returning to the United States, report to the court for assignment/payment arrangements.

REFERRALS Report ☐ forthwith ☐ by to ☐ Assessment Unit ☐ Probation Dept. re:
☒ Court Collections ☐ Revenue & Recovery ☐ Collection Agency and comply with additional conditions of probation imposed.

DEFENDANT IS ORDERED TO APPEAR ON AT IN DEPT FOR:
☐ Sentencing ☐ Restitution ☐ Execution of Custody ☐ Review regarding

CUSTODY STATUS Defendant ☐ REMANDED to custody of Sheriff ☐ without bail ☐ with bail set at / increased to / reduced to \$
☐ REMAINS AT LIBERTY ☐ RELEASED: ☐ on bail previously posted ☐ on probation ☐ after booking ☐ OR/SOR ☐ same terms and conditions
☐ to an authorized representative of: on at
☐ Previously ordered: ☐ 4th WAIVER ☐ continues ☐ deleted

WARRANT ☐ Bench WARRANT ordered ☐ Bail set at \$ ☐ No Bail ☐ ISSUED ON
☐ Mandatory appearance ☐ Night service authorized ☐ Cash bail may be forfeited. ☐ HOLD issuance of warrant to DATE SET ABOVE.
☐ Warrant previously ordered/issued ☐ remains outstanding ☐ rescinded ☐ RECALLED ON:

BAIL is ☐ exonerated ☐ forfeited ☐ Fine from bail, refund balance. ☐ Declaration of non-collusion/ reassumption of liability filed.
☐ Bail forfeiture set aside, bond ☐ reinstated ☐ exonerated upon payment of court cost \$ within 30 days ☐ cost waived
☐ Bond # Bond \$ Bond Company

Date: ATTEST A TRUE COPY, Clerk of the Superior Court by Deputy
 Distribution by: on to: Jail Dept. Adv. Pros. Prob. R&R Interp. Coord. Acct. Assessment Other:

SUPE COURT OF CALIFORNIA, COUNTY OF S: IEGO

☐ Central Division ☐ East County Division ☒ North County Division ☐ South County Division Waivers: ☐ Time ☐ 4th

PEOPLE vs. [REDACTED] STATUS: BAIL \$ 5K ☒ CB ☐ (Y/N)
CASE # [REDACTED] PROS. # [REDACTED] DOB: [REDACTED] BKG # [REDACTED] CTS: 1 hrs.
DATE: 01-14-13 AT 08:30 DEPT. # 001 INTERP: [REDACTED] ☐ Spanish ☐ Sworn ☐ Calton File
JUDGE/COM. JUDGE: ADRIENNE A ORFIELD ☐ STIP. FILED REPORTER: [REDACTED]
CLERK: Rodriguez CSR # / COUNTER #: [REDACTED]

CHARGE(S): HS11377(A) / 17614 **13TH DAY**

FUTURE DATES: M. Layan ☐ CONFIRMED ☐ VACATED
P. D. L. Hzbaki **13- 2 50**

Attorney for the People (PD/PCA/DAG) ☐ Supervised Cert. Legal Intern Attorney for Defendant (PD/APP/OAC/Retained/Counseling) ☐ Supervised Cert. Legal Intern
DEFENDANT: ☒ PRESENT ☐ VIA AUDIO VIDEO ☐ SELF REPRESENTED ☐ NOT PRESENT ☐ NOT PRODUCED ☐ FAILED TO APPEAR

Case called for ☒ FTA ☐ Arraignment ☐ Bail Review ☐ Readiness/DWT ☐ Jury Trial ☐ Preliminary Examination ☐ Motion
DEJ ☐ Full ☐ Limited Protective Order Expires: [REDACTED] Protected Party: [REDACTED]
☐ Warrant Ordered/Issued on [REDACTED] ☐ Held to today ☐ Cleared ☐ Outstanding. ☐ Bail Bond # [REDACTED] \$ [REDACTED] forfeited.

CASE TRANSFERRED TO DEPT. [REDACTED] TIME ESTIMATE: [REDACTED]
Complaint amended ☐ by interlineation to read:
☐ Amended ☐ Amendment to ☐ complaint filed ☐ charging ☐ adding ☐ VC23103 (a) pursuant to VC23103.5 ☐ VC22107, VC21658(a), PC647(f)
☐ as INFRACTION(S) pursuant to PC17(d)(2). ☐ other: [REDACTED]
☐ Defendant advised of and waives the right to a separate and conflict-free attorney / interpreter for this court appearance.
☐ Defendant duly arraigned and advised of the constitutional and statutory rights as indicated on the reverse side of this minute order.
☐ Acknowledgment of advisal of constitutional rights signed and filed. ☐ Defendant has received copy of complaint.
☐ Defendant waives reading of complaint. ☐ Delt. states true name is [REDACTED] on complaint [REDACTED] line)
☐ DEFENDANT PLEADS NOT GUILTY and denies any priors/allegations/separate convictions alleged ☐ on amended complaint.
☐ Defendant WAIVES: ☐ time for speedy trial ☐ 10 day/60 day statutory time for preliminary hearing ☐ personal presence ☐ per PC977
☐ bail review ☐ jury trial ☐ preliminary hearing

COUNSEL ☐ MOTION FOR APPOINTED ATTORNEY ☐ Granted ☐ Public Defender ☐ Alternate Public Defender ☐ Office of Assigned Counsel
Atty: [REDACTED] ☐ Denied ☐ Referred to Near Indigent Panel ☐ Defendant to retain counsel.
☐ Motion for self-representation is ☐ granted ☐ denied ☐ Faretta/Lopez Waiver signed & filed. ☐ OAC appointed - legal runner/reasonable ancillary services.

CONVICTION ☐ Delt. is sworn and examined. ☐ Defendant withdraws any previously entered plea.
DEFENDANT PLEADS: ☐ GUILTY ☐ NO CONTEST to: [REDACTED] ☐ VC23152(a) / (b)
☐ Admits [REDACTED] separate conviction(s) alleged/[REDACTED] allegation(s)
☐ Charges contained in amended/amendment to complaint. ☐ VC23103(a) per 23103.5 ☐ as a lesser included offense of [REDACTED]
☐ On motion of Court/People/Defendant remaining count(s) [REDACTED] is/are DISMISSED. Allegation(s)/Prior(s) remaining is/are STRICKEN ☐ FOJ ☐ VOP
☐ Plea form executed and filed ☐ People vs. West ☐ BAC: [REDACTED]
☐ Court finds a knowing and intelligent waiver of constitutional rights and factual basis for the plea.
ADVISALS given by the court: ☐ Theft - PC666 ☐ DUI - VC23593 ☐ Consequences of Conviction - PC1016.5
WAIVERS: ☐ Arbuckle ☐ Blakely ☐ Cruz ☐ Harvey ☐ Appeal Rights ☐ Non-Bio. Evidence Disposal ☐ Time for sentencing, see JUDGMENT MINUTES.
☐ PC1210 ☐ Drug Court ☐ accepted ☐ declined.
☐ Stipulated bindover. ☐ Case certified as a general jurisdiction matter. ☐ Complaint deemed the information.
☐ Defendant to provide DNA database samples as directed by Sheriff or Probation Dept. (PC296).

MOTION for [REDACTED] by ☐ People ☐ Defendant ☐ with ☐ without objection ☐ GRANTED ☐ DENIED
PC1000 ☐ Defendant's motion for ☐ reinstatement to ☐ PC1000 granted as to count(s) [REDACTED] for [REDACTED] mo / yrs. ☐ New term
☐ Time waived for sentencing ☐ S.D. Rescue Mission Program ☐ Enroll by [REDACTED] Comply with all directions of Assessor.
☐ \$ [REDACTED] DEJ Admin Fees (PC1001.19(a) and PC1001.90) ☐ Forthwith ☐ By [REDACTED]
☐ Defendant has satisfactorily COMPLETED the DEJ Program, previously entered plea to count(s) [REDACTED] set aside and charges dismissed
☐ Defendant has FAILED to satisfactorily perform in the DEJ Program, ☐ PC1000 set aside and any unpaid fees pertaining thereto deleted.
☐ Court makes a finding of guilt to the charge(s) pled, ☐ Time waived for sentencing, see JUDGMENT.

REFERRALS Report ☐ forthwith ☐ by [REDACTED] to ☐ Assessment Unit ☐ Probation Department ☐ Probation to interview.
☐ Pre-sentence ☐ Mini ☐ Supplemental ☐ Psych. ☐ Limited re: Drugs / Alcohol / Domestic Violence / Anger Management / Restitution Report Ordered.
☐ Pre-sentence report waived. ☐ Court Collections ☐ for payment of attorney fees ** \$ [REDACTED] ☐ indigent as to attorney fees.
** The court finds that the defendant has the ability to repay the County of San Diego for the costs of court appointed attorney fees

HEARINGS Set/cont. on motion of ☐ People ☐ Defense ☐ Opposed ☐ Unopposed ☐ By Stipulation, [REDACTED] ☐ Statutory time is WAIVED
DEFENDANT IS ORDERED TO APPEAR for ☐ on [REDACTED] at [REDACTED] in Dept. [REDACTED]
☐ Re: Attorney [REDACTED] at [REDACTED] in Dept. [REDACTED] ☐ Motion/PC1538.5 [REDACTED] at [REDACTED] in Dept. [REDACTED]
☐ Arraignment [REDACTED] at [REDACTED] in Dept. [REDACTED] ☐ Jury / Court Trial [REDACTED] at [REDACTED] in Dept. [REDACTED]
☐ Bail Review [REDACTED] at [REDACTED] in Dept. [REDACTED] ☐ Sentencing [REDACTED] at [REDACTED] in Dept. [REDACTED]
☐ Readiness/DWT [REDACTED] at [REDACTED] in Dept. [REDACTED] ☐ Prob. Hrg. & Sent [REDACTED] at [REDACTED] in Dept. [REDACTED]
☐ Prelim Exam [REDACTED] at [REDACTED] in Dept. [REDACTED] ☐ DEJ ☐ Drug Ct [REDACTED] at [REDACTED] in Dept. [REDACTED]
Time Estimate: [REDACTED] h/day Set with case(s): [REDACTED]

MENTAL HEALTH ☐ Proceedings suspended pursuant to PC1368. Mental competency examination on [REDACTED] at [REDACTED] by Forensic
Psychiatry Clinic. Females - Room 1003, Central Division; Males - Central Detention Facility. Hearing on [REDACTED] at [REDACTED] in Dept. [REDACTED] of the
Central Division. ☐ The Sheriff is ordered to transport the defendant to and from the examination and hearing stated above.

OTHER ☐ Verbal notice of license suspension (DL 310) signed. ☐ Fingerprint form filed.
☐ Book & Release - Report on [REDACTED] at [REDACTED] to ☐ Central ☐ Vista ☐ Las Colinas Detention Facility

CUSTODY STATUS Defendant ☐ REMANDED to custody of Sheriff ☐ without bail ☐ with bail set at / increased to / reduced to \$ [REDACTED]
☐ PC1275.1 HOLD. ☐ Pretrial Services Report Ordered re: SOR ☐ Refer to CPAC.
☐ REMAINS AT LIBERTY ☐ RELEASED: ☐ on bail previously posted. ☐ after booking ☐ DEJ ☐ OR ☐ SUPERVISED OR - comply with P.T.S. conditions
☐ same terms and conditions ☐ to an authorized representative of: [REDACTED] on [REDACTED] at [REDACTED]
☐ Release Conditions: ☐ Attend [REDACTED] self-help mtgs. per week and submit proof at each court hearing. ☐ Abstain from alcohol.
☐ Not use or possess any controlled substances without a valid prescription. ☐ Not possess narcotic paraphernalia
☐ Delt. waives 4th amendment rights and agrees to submit person, vehicle, place of residence, property, personal effects to search at any time with or without a
warrant, and with or without reasonable cause, when required by a Probation Officer or other law enforcement officer ☐ until revoked, ☐ for the duration of
deferred entry of judgment. ☐ Have no contact with / stay away from: [REDACTED] ☐ Protective Order issued.
☐ Previously ordered: ☐ 4th WAIVER ☐ continues ☐ deleted ☐ PROTECTIVE ORDER ☐ continues ☐ deleted.

WARRANT ☐ Arrest ☐ Bench ☐ Warrant ordered ☐ Bail set at \$ [REDACTED] ☐ No Bail. ☐ Counsel reports no contact with defendant.
☐ Schedule for hearing. ☐ Mandatory appearance. ☐ Night service authorized. ☐ Cash bail may be forfeited. ☐ ISSUED ON: [REDACTED]
☐ HOLD issuance to DATE ABOVE. ☐ Warrant previously ordered/issued ☐ remains outstanding ☐ rescinded ☐ RECALLED ON: [REDACTED]
☐ Affidavit requested. Due by: [REDACTED]
BAIL is ☐ exonerated ☐ forfeited ☐ Fine from bail, refund balance. ☐ Declaration of non-collusion/ re-assumption of liability filed.
☐ Bail forfeiture is set aside and bond is ☐ reinstated ☐ exonerated ☐ upon payment of court cost \$ [REDACTED] within 30 days ☐ cost waived
☐ Bond #: [REDACTED] Bond \$ [REDACTED] Bond Co. [REDACTED]

Date: [REDACTED] ATTEST A TRUE COPY, Clerk of the Superior Court by [REDACTED] Deputy
Distribution by: [REDACTED] on [REDACTED] to: Jail Defl. Atty. Pros. Prob. R&R Interpreter Acct. Assessment Other: [REDACTED]
SDSC CRM-150 (Rev. 10/12) MISDEMEANOR/FELONY - PRE-DISPOSITION MINUTES

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

☐ Central Division ☐ East County Division ☒ North County Division ☐ South County Division

PEOPLE vs. _____ CASE # _____ PROS. # _____ STATUS: _____
 DATE 9/13/12 AT _____ DEPT # 24 JUDGE/COMM: KATZ COURTROOM CLERK: B Smith
 CHARGE(S): 1) HS 11377(a) 17b4
 FUTURE DATES: 23 12-20-12 ☐ CONFIRMED ☒ VACATED

Attorney for the People (DDA / DCA)

Defendant / Attorney for the Defendant (PD / APD / PCC / Retained)

☐ Defendant is present by / with / without counsel ☐ at the counter

EX PARTE MINUTES

☐ Amended complaint filed. ☐ Application for Regular Parole, ESP, or Special Parole received, signed, returned to Board and copy filed.
☐ Defendant having been charged with a subsequent violation of _____ in the County of _____, Case # _____
☐ PROOF FILED RE: ☐ Self-help meetings (_____ of _____ completed) ☐ FCP ☐ MCP ☐
☐ MADD ☐ Restitution ☐ hours Volunteer Work in lieu of \$ _____ fine/custody ☐ Next proof due to court by _____
☐ CORRESPONDENCE RECEIVED FROM: ☐ Deft. ☐ Prosecutor ☐ Atty ☐ Victim ☐ Probation ☐ Other _____
 REGARDING: ☐ Motion for continuance ☐ due to military commitment ☐ Fines/Fees ☐ Bond ☐ _____

☐ HEARING requested by ☐ Defendant ☐ Defense counsel ☐ Prosecutor. Case set as noted below.

☐ PROBATION: to expire: _____ ☐ (remains) summarily REVOKED ☐ REINSTATED ☐ TERMINATED ☐ CONTINUED
☐ MODIFIED ☐
☐ Request for FCP/MCP reassignment granted. ☐ Proof of ☐ enrollment ☐ completion due to court by _____
☐ Re-referred to _____ days PSP ☐ hours Volunteer Work ☐ Proof of completion to the court by _____
☐ Proof of completion of _____ submitted within 180 days from issuance of warrant.
☒ DEFENDANT FAILED TO COMPLY WITH ORDER FOR: ☐ FCP ☐ MCP ☐ Drug Testing ☒ PC1000 ☐ Volunteer Wk _____ hours
☐ Public Service Program _____ days ☐ Restitution \$ _____ ☐ Custody _____ days ☐ DVRP
☐ Self-help meetings (_____ for _____) ☐ Other: _____
☐ DEFENDANT FAILED TO PAY \$ _____ ☐ Fines and fees ☐ balance ☐ including \$ _____ bad check fee ☐ other: _____
☐ due on _____
☐ Account balance \$ _____ (including fees) transferred to Collection Agency. Civil Assessment added pursuant to PC1214.1.
☐ Declaration in support of the issuance of warrant filed.

☐ TO BE ADDRESSED AT NEXT HEARING.

☐ CASE REFERRED TO JUDGE/COMM: _____ for consideration. By: _____ Deputy Clerk

JUDICIAL ORDERS

☐ RECALL WARRANT ☐ VACATE FUTURE DATES
☐ PROBATION ☐ summarily revoked ☐ reinstated ☐ terminated ☐ continued, same terms and conditions ☐ modified as follows
☐ EXTENDED TO _____
☐ ARREST ☐ BENCH WARRANT ordered, Bail Amount \$ _____ ☐ Commit ordered, _____ days, _____ day(s) stayed, _____ days credit for time served (_____ actual & _____ PC4019) ☐ Schedule for court _____
☐ Proceedings pursuant to PC1000 set aside, finding of guilt to charge(s) pled. ☐ Calendar matter for OSC re: Entry of Judgment
☐ Counsel Appointed: ☐ Public Defender ☐ _____
 OTHER: _____
 IT IS SO ORDERED: DATE: _____ JUDGE/COMMISSIONER _____

MISCELLANEOUS / POST JUDICIAL REVIEW MINUTES

DATE: _____ Pursuant to order of the court as noted above:

☐ No action taken. Copy of correspondence received forwarded to the Prosecutor's Office and defense counsel.
☐ Amendment to complaint ☐ filed charging ☐ VC40508(a) ☐ PC853.7 ☐ PC1320(a) ☐ filed as/reduced to an infraction.

☐ CASE SET FOR: ☐ Guaranteed Disposition ☐ Arraignment ☐ Motion for: ☐ Further proceedings re: _____
☐ OSC re ☐ Probation Revocation ☐ DEJ ☐ to trail case(s) _____ ON _____ AT _____ DEPT. _____

☐ Defendant ☐ REMAINS AT LIBERTY ☐ RELEASED on ☐ bail previously posted ☐ probation ☐ OR.
☐ Defendant REMANDED to custody of Sheriff, bail set at \$ _____. ☐ Sheriff ordered to produce defendant at hearing noted above.
☐ CASE DISMISSED in the furtherance of justice:
☐ ARREST ☒ BENCH WARRANT ☐ as previously ordered ☒ to ISSUE ☐ to REMAIN OUTSTANDING ☐ RESCINDED ☐ RECALLED
☒ Bail set at \$ 5000 ☐ Cash bail may be forfeited ☒ Mandatory appearance ☐ Night service authorized ☐ No checks
☐ HOLD issuance of warrant to date set above. WARRANT ISSUED: EP 2-6-2012 WARRANT RECALLED: _____

OTHER: _____ By: B Smith Deputy Clerk

MY SIGNATURE ACKNOWLEDGES THAT I HAVE RECEIVED A COPY AND UNDERSTAND THIS COURT ORDER. Further, if applicable, I agree to all of the following conditions of a release on my own recognizance: (1) I will appear at all times and places as ordered by the court; (2) I will obey all conditions imposed by the court; (3) I will not depart this state without permission of the court; (4) I waive extradition if I fail to appear as ordered by the court and am apprehended outside of California. I understand that a willful failure to appear in a misdemeanor case is a separate misdemeanor offense punishable by imprisonment in the county jail for up to 6 months, or by a fine of up to \$1,000, or both.

Defendant's Signature

Telephone Number

Driver License No. & State

Home Address

City

State

Zip Code

Date: _____ ATTEST A TRUE COPY, Clerk of the Superior Court by _____ Deputy

Distribution by: _____ on _____ to: Jail Deft. Atty. Pros. Prob. R&R Interp Coord. Accl. Assessment Other: _____

SUPERIOR COURT OF CALIFORNIA, COUNTY of SAN DIEGO

☐ Central Division, 220 W. Broadway, San Diego, CA 92101-3814
☐ East County Division, 250 E. Main St., El Cajon, CA 92020-3941

☒ North County Division, 325 S. Melrose Dr., Vista, CA 92081-6695
☐ South County Division, 500 3rd Ave., Chula Vista CA 91910-5649

Substance Abuse Assessment Unit Addendum

DEFERRED ENTRY OF JUDGMENT

People v. [REDACTED]

Case No(s): [REDACTED]

Judge: KATZ

Dept. 1

Date: 8-13-12

Charges: H 511377(A)

☐ Re-referral

Confirm/Vacate: _____

You have been granted Deferred Entry of Judgment (DEOJ), and subsequently referred to the Substance Abuse Assessment Unit (SAAU) for assignment to a program. You must comply with the terms and conditions indicated below during the term of the DEOJ period. Failure to do so may result in reinstatement of criminal proceedings and a warrant issued for your arrest.

☒ Deferred Entry of Judgment is set for a period of: ☒ 18 months ☐ (Other) _____

☐ Attend self-help meetings as directed by the program provider.

☐ Submit to a drug test at any time during the DEOJ period, as directed by the Court or provider. Said drug test will be at a facility designated by the Court and at your own expense.

☐ Remain law abiding in all respects. You are advised that any new offense may cause reinstatement of criminal proceedings.

☐ Attend and successfully complete the following program:

☐ County of San Diego PC1000 program – see referral form attached.

☐ _____ (Alternative Program)

☐ Out-of-County / Out-of-State program authorized as listed: _____

☐ Submit proof of enrollment in Out-of-County/ Out-of-State program by mail 2 weeks prior to court date.

☐ Show proof of DEOJ Enrollment, Completion or Progress Reports when ordered to do so by the Court or SAAU.

☐ Contact the program within 72 hours ☐ Enroll by: _____ ☐ Complete by: _____ ☐ Progress Report Due on: _____

Proof of Enrollment PC1000 Filed

Next Court Room Appearance is set for _____ at _____ a.m./p.m. in Dept. _____
Final Review is set for _____ at _____ a.m./p.m. in Dept. _____
Next SAAU Monitoring Date is set for <u>12-20-12</u> at <u>8:30</u> a.m./p.m.
Bring the following proof: <input type="checkbox"/> Enrollment <input checked="" type="checkbox"/> Completion/Progress Report from the DEOJ/PC1000 Provider.
<input type="checkbox"/> Drug Testing Lab Results <input type="checkbox"/> PC1001 to Education completion.

CONSENT FOR RELEASE OF ALCOHOL OR DRUG ABUSE PATIENT INFORMATION OR RECORDS

I hereby authorize MHS to disclose drug test records obtained in the course of my DEOJ program to an authorized representative of the Superior Court, County of San Diego. The disclosure of records authorized herein is required for the following purpose: To monitor my compliance with the terms and conditions of the DEOJ program.

I HAVE RECEIVED A COPY of this agreement. I UNDERSTAND if I fail to comply with these terms and conditions, a finding of guilt may be entered and judgment imposed on the charge(s) to which I have pled guilty.

Defendant's signature: [REDACTED]

Phone No. [REDACTED]

Defendant's Address: [REDACTED]

Street

City

State

ZIP Code

This order was prepared and executed by: D. Cruz, Substance Abuse Assessor/Clerk

I, _____, certify, I translated the addendum to the defendant from English to his/her native/sign language.

Distribution:

Court Case (Original)

Defendant (Copy)

Assessment Unit (Pink)

[Signature]

PEOPLE vs. [REDACTED] A STATUS: OTH \$ [REDACTED] BB CB (Y/N)
CASE # [REDACTED] PROS. # [REDACTED] DOB: [REDACTED] SKG # [REDACTED] CTS: days hrs.
DATE: 08-01-12 11:11 DEPT. # SAU INTERP: [REDACTED] Spanish Sworn Oath on File
JUDGE/COM/TEMP JUDGE: [REDACTED] STIP. FILED REPORTER: [REDACTED]
CLERK: NC-SAAU CSR # / COUNTER #: [REDACTED]

CHARGE(S): HS11377(A) 13TH DAY
FUTURE DATES: 8/8/12
P. D B 10- 3 50

Attorney for the People (DDA/DCA/DAG) Supervised Cert. Legal Intern Attorney for Defendant (PD/APD/OAC/Retained/Counseling) Supervised Cert. Legal Intern
DEFENDANT: PRESENT VIA AUDIO VIDEO SELF REPRESENTED NOT PRESENT NOT PRODUCED FAILED TO APPEAR

Case called for PTA Arraignment Bail Review Readiness/DWT Jury Trial Preliminary Examination Motion
DEJ Full Limited Protective Order Expires: Protected Party:
Warrant Ordered/Issued on Held to today Cleared Outstanding.

CASE TRANSFERRED TO DEPT. TIME ESTIMATE:
Complaint amended by interlineation to read:
Amended Amendment to complaint filed charging adding VC23103(a) pursuant to VC23103.5 VC22107, VC21658(a), PC847(f)
as INFRACTION(S) pursuant to PC17(d)(2). other:
Defendant advised of and waives the right to a separate and conflict-free attorney / interpreter for this court appearance.
Defendant duly arraigned and advised of the constitutional and statutory rights as indicated on the reverse side of this minute order.
Acknowledgment of advisal of constitutional rights signed and filed. Defendant has received copy of complaint.
Defendant waives reading of complaint. Def. states true name is on complaint [] line
DEFENDANT PLEADS NOT GUILTY and denies any priors/allegations/separate convictions alleged on amended complaint.
Defendant WAIVES: time for speedy trial 10 day/60 day statutory time for preliminary hearing personal presence per PC977
bail review jury trial preliminary hearing

COUNSEL MOTION FOR APPOINTED ATTORNEY Granted Public Defender Alternate Public Defender Office of Assigned Counsel
Atty. Denied Referred to Near Indigent Panel Defendant to retain counsel.
Motion for self-representation is granted denied. Faretta/Lopez Waiver signed & filed. OAC appointed - legal runner/reasonable ancillary services.

CONVICTION Def. is sworn and examined. Defendant withdraws any previously entered plea.
DEFENDANT PLEADS: GUILTY NO CONTEST to: VC23452(a) / (b) allegation(s)
Admits separate conviction(s) alleged/
Charges contained in amended/amendment to complaint. VC23103(a) per 23103.5 as a lesser included offense of
On motion of Court/People/Defendant remaining count(s) is/are DISMISSED. Allegation(s)/Prior(s) remaining is/are STRICKEN FOJ VOP
Plea form executed and filed People vs. West BAC.
Court finds a knowing and intelligent waiver of constitutional rights and factual basis for the plea.
ADVISALS: Theft - PC866 DUI - VC23583
WAIVERS: Arbuckle Blakely Cruz Harvey Appeal Rights Non-Bio. Evidence Disposal Time for sentencing, see JUDGMENT MINUTES.
PC1210 Drug Court accepted declined.
Stipulated bindover. Case certified as a general jurisdiction matter. Complaint deemed the Information.
Defendant to provide DNA database samples as directed by Sheriff or Probation Dept. (PC296).

MOTION for by People Defendant with without objection GRANTED DENIED.
PC1000 Defendant's motion for reinstatement to PC1000 granted as to count(s) for mo./yrs. New term
Time waived for sentencing S.D. Rescue Mission Program Enroll by Comply with all directions of Assessor.
\$ DEJ Admin Fees (PC1001.16(a) and PC1001.90) Forthwith By
Defendant has satisfactorily COMPLETED the DEJ Program, previously entered plea to count(s) set aside and charges dismissed.
Defendant has FAILED to satisfactorily perform in the DEJ Program. PC1000 set aside and any unpaid fees pertaining thereto deleted.
Court makes a finding of guilt to the charge(s) pled. Time waived for sentencing, see JUDGMENT.

REFERRALS Report forthwith by to Assessment Unit Probation Department Probation to interview.
Pre-sentence Mini Supplemental Psych. Limited re: Drugs / Alcohol / Domestic Violence / Anger Management / Restitution Report Ordered.
Pre-sentence report waived. Court Collections for payment of attorney fees \$ Indigent as to attorney fees.
*The court finds that the defendant has the ability to repay the County of San Diego for the costs of court appointed attorney fees.

HEARINGS Set/continued on motion of People Defense Opposed Unopposed By Stipulation, Statutory time is WAIVED
DEFENDANT IS ORDERED TO APPEAR for on in Dept. in Dept.
Re: Attorney at in Dept. Motion/PC1538.5 at in Dept.
Arraignment at in Dept. Jury / Court Trial at in Dept.
Bail Review at in Dept. Sentencing at in Dept.
Readiness/DWT at in Dept. Prob. Hrg. & Sent at in Dept.
Prelim Exam at in Dept. DEJ Drug Ct 8/10/12 at 8:30 in Dept. SAAU
Time Estimate: hr/day Set with case(s): to trial for revocation

MENTAL HEALTH Proceedings suspended pursuant to PC1368. Mental competency examination on at by Forensic
Psychiatry Clinic. Females - Room 1003, Central Division; Males - Central Detention Facility. Hearing on at in Dept. of the
Central Division. The Sheriff is ordered to transport the defendant to and from the examination and hearing stated above.

OTHER Verbal notice of license suspension (DL 310) signed. Fingerprint form filed.
Book & Release - Report on at to Central Vista Las Colinas Detention Facility.

Continue to 8/10/12 Prob of enrollment

CUSTODY STATUS Defendant REMANDED to custody of Sheriff without bail with bail set at / increased to / reduced to \$
PC1275.1 HOLD. Pretrial Services Report Ordered re: SOR
REMAINS AT LIBERTY RELEASED: on bail previously posted. after booking DEJ OR SUPERVISED OR - comply with P.T.S. conditions
same terms and conditions to an authorized representative of: on at
Release Conditions: Attend self-help mtgs. per week and submit proof at each court hearing. Abstain from alcohol.
Not use or possess any controlled substances without a valid prescription. Not possess narcotic paraphernalia.
Def. waives 4th amendment rights and agrees to submit person, vehicle, place of residence, property, personal effects to search at any time with or without a
warrant, and with or without reasonable cause, when required by a Probation Officer or other law enforcement officer until revoked. for the duration of
deferred entry of judgment. Have no contact with / stay away from: Protective Order issued.
Previously ordered: 4th WAIVER continues deleted PROTECTIVE ORDER continues deleted.

WARRANT Arrest Bench Warrant ordered Bail set at \$ No Bail ISSUED ON:
Schedule for hearing. Mandatory appearance. Night service authorized. Cash bail may be forfeited. HOLD issuance to DATE SET ABOVE.
Warrant previously ordered/issued remains outstanding rescinded RECALLED ON:
Affidavit requested. Due by:

BAIL is exonerated refund balance. Declaration of non-collusion/ re-assumption of liability filed.
Bail forfeiture is set aside and bond is reinstated exonerated upon payment of court cost \$ within 30 days cost waived
Bond #: Bond \$ Bond Co.

Date: ATTEST A TRUE COPY, Clerk of the Superior Court by Deputy
Distribution by: on to: Jail Deft. Atty. Pros. Prob. R&R Interpreter Acct. Assessment Other:

SUPERIOR COURT OF CALIFORNIA, COUNTY of SAN DIEGO

☐ Central Division, 220 W. Broadway, San Diego, CA 92101-3814
☐ East County Division, 250 E. Main St., El Cajon, CA 92020-3941

☒ North County Division, 325 S. Melrose Dr., Vista, CA 92081-6695
☐ South County Division, 500 3rd Ave., Chula Vista CA 91910-5649

Substance Abuse Assessment Unit Addendum

AGREEMENT FOR DEFERRED ENTRY OF JUDGMENT

People v. _____

Case No(s): _____

Judge: Kate

Dept. 1

Date: 7-6-12

Charges: 1) MCS11377(A) / 176(4)

☒ Re-referral

Confirm/Vacate: _____

You have been granted Deferred Entry of Judgment (DEOJ), and subsequently referred to the Substance Abuse Assessment Unit (SAAU) for assignment to a program. You must comply with the terms and conditions indicated below during the term of the DEOJ period. Failure to do so may result in reinstatement of criminal proceedings and a warrant issued for your arrest.

☒ Deferred Entry of Judgment is set for a period of: ☐ 18 months ☐ (Other) _____

☒ Attend self-help meetings as directed by the program provider.

☒ Submit to a drug test at any time during the DEOJ period, as directed by the Court or provider. Said drug test will be at a facility designated by the Court and at your own expense.

☐ Remain law abiding in all respects. You are advised that any new offense may cause reinstatement of criminal proceedings.

☐ Attend and successfully complete the following program:

☒ County of San Diego PC1000 program – see referral form attached.

☐ _____ (Alternative Program)

☐ Out-of-County / Out-of-State program authorized as listed: _____

Indigent Status Requested

☐ Submit proof of enrollment in Out-of-County/ Out-of-State program by mail 2 weeks prior to court date.

☐ Show proof of DEOJ Enrollment, Completion or Progress Reports when ordered to do so by the Court or SAAU.

☐ Contact the program within 72 hours ☐ Enroll by: _____ ☐ Complete by: _____ ☐ Progress Report Due on: _____

Next Court Room Appearance is set for _____ at _____ a.m./p.m. in Dept. _____

Final Review is set for _____ at _____ a.m./p.m. in Dept. _____

Next SAAU Monitoring Date is set for 8/1/12 at _____ a.m./p.m.

Bring the following proof: ☒ Enrollment/Completion/Progress Report from the DEOJ/PC1000 Provider.

☐ Drug Testing Lab Results. ☐ PC1001.10 Education completion.

CONSENT FOR RELEASE OF ALCOHOL OR DRUG ABUSE PATIENT INFORMATION OR RECORDS

I hereby authorize _____ to disclose drug test records obtained in the course of my DEOJ program to an authorized representative of the Superior Court, County of San Diego. The disclosure of records authorized herein is required for the following purpose: To monitor my compliance with the terms and conditions of the DEOJ program.

I HAVE RECEIVED A COPY of this agreement. I UNDERSTAND if I fail to comply with these terms and conditions, a finding of guilt may be entered and judgment imposed on the charge(s) to which I have pled guilty.

Defendant's signature _____

Phone No. _____

Defendant's Address: _____

Street

City

State

ZIP Code

This order was prepared and executed by: A. Maye, Substance Abuse Assessor/Clerk

I, _____ certify, I translated the addendum to the defendant from English to his/her native/sign language.

Distribution: Court Case (Original)

Defendant (Canary)

Assessment Unit (Pink)

☐ Central Division ☐ East County Division ☒ North County Division ☐ South County Division Waiver: ☐ Time ☐ 4th

PEOPLE vs. [REDACTED] STATUS: WT 3000000 ☐ BB ☐ CS (Y/N)

CASE # 17-06-12 PROS. # 1706130 BKG # 1706130 CTS: 1 days 0 hrs.

DATE: 07-06-12 DEPT. # AD1 INTER: 1706130 ☐ Spanish ☐ Sworn ☐ Oath on File

JUDGE/COMM/TEMP JUDGE: KATZ, AARON H. ☐ STIP. FILED REPORTER: 1706130

CLERK: Rodriguez CSR # / COUNTER #: 1706130

CHARGE(S): 0111377(A) 1706130FUTURE DATE: 07-06-12 ☐ CONFIRMED ☐ VACATED

Attorney for the People (DAG / DAG) ☐ Supervised Cert. Legal Intern Attorney for Defendant (DAG / DAG) ☐ Supervised Cert. Legal Intern

DEFENDANT: ☐ PRESENT ☐ VIA AUDIO VIDEO ☐ SELF REPRESENTED ☐ NOT PRESENT ☐ NOT PRODUCED ☐ FAILED TO APPEAR

Case called for: ☐ FTA ☐ Arraignment ☐ Bail Review ☐ Readiness/DWT ☐ Jury Trial ☐ Preliminary Examination ☐ MotionDEJ 1706130 ☐ Full ☐ Limited Protective Order Expires: 07-06-12 Protected Party: 1706130☐ Warrant Ordered/Issued on ☐ Held to today ☐ Cleared ☐ Outstanding. 1706130CASE TRANSFERRED TO DEPT. 1706130 TIME ESTIMATE: 1706130Complaint amended ☐ by Interlineation to read:☐ Amended ☐ Amendment to ☐ complaint filed ☐ charging ☐ adding ☐ VC23103 (a) pursuant to VC23103.5 ☐ VC22107, VC21658(a), PC647(f)☐ as INFRACTION(S) pursuant to PC17(d)(2). ☐ other: 1706130☐ Defendant advised of and waives the right to a separate and conflict-free attorney / interpreter for this court appearance.☐ Defendant duly arraigned and advised of the constitutional and statutory rights as indicated on the reverse side of this minute order.☐ Acknowledgment of advisal of constitutional rights signed and filed. ☐ Defendant has received copy of complaint.☐ Defendant waives reading of complaint. ☐ Def. states true name is 1706130 on complaint (line)☐ DEFENDANT PLEADS NOT GUILTY and denies any prior allegations/separate convictions alleged ☐ on amended complaint.☐ Defendant WAIVES: ☐ time for speedy trial ☐ 10 day/60 day statutory time for preliminary hearing ☐ personal presence ☐ per PC977☐ bail review ☐ jury trial ☐ preliminary hearingCOUNSEL ☐ MOTION FOR APPOINTED ATTORNEY ☐ Granted ☐ Public Defender ☐ Alternate Public Defender ☐ Office of Assigned CounselAtty: ☐ Denied ☐ Referred to Near Indigent Panel ☐ Defendant to retain counsel.☐ Motion for self-representation is ☐ granted ☐ denied. ☐ Faretta/Lopez Waiver signed & filed. ☐ OAC appointed - legal runner/reasonable ancillary services.CONVICTION ☐ Def. is sworn and examined. ☐ Defendant withdraws any previously entered plea.DEFENDANT PLEADS: ☐ GUILTY ☐ NO CONTEST to: 1706130 ☐ VC23152(a) / (b)☐ Admits 1706130 separate conviction(s) alleged/☐ Charges contained in amended/amendment to complaint. ☐ VC23103(a) per 23103.5 ☐ as a lesser included offense of 1706130☐ On motion of Court/People/Defendant remaining count(s) 1706130 is/are DISMISSED. Allegation(s)/Prior(s) remaining is/are STRICKEN ☐ FOJ ☐ VOP☐ Plea form executed and filed ☐ People vs. West ☐ BAC: 1706130☐ Court finds a knowing and intelligent waiver of constitutional rights and factual basis for the plea.ADVISALS: ☐ Theft - PC666 ☐ DUI - VC23593WAIVERS: ☐ Arbuckle ☐ Blakely ☐ Cruz ☐ Harvey ☐ Appeal Rights ☐ Non-Bio. Evidence Disposal ☐ Time for sentencing, see JUDGMENT MINUTES.☐ PC1210 ☐ Drug Court ☐ accepted ☐ declined.☐ Stipulated bindover. ☐ Case certified as a general jurisdiction matter. ☐ Complaint deemed the information.☐ Defendant to provide DNA database samples as directed by Sheriff or Probation Dept. (PC296).MOTION for 1706130 by ☐ People ☐ Defendant ☐ with ☐ without objection ☐ GRANTED ☐ DENIEDPC1000 Defendant's motion for reinstatement to 1706130 granted as to count(s) 1706130 for 1706130 yrs. ☐ New term☐ Time waived for sentencing ☐ S.D. Rescue Mission Program ☐ Enroll by 1706130 Comply with all directions of Assessor.☐ DEJ Admin Fees (PC1001.16(a) and PC1001.90) ☐ Forfeiture ☐ By 1706130☐ Defendant has satisfactorily COMPLETED the DEJ Program, previously entered plea to count(s) 1706130 set aside and charges dismissed.☐ Defendant has FAILED to satisfactorily perform in the DEJ Program. ☐ PC1000 set aside and any unpaid fees pertaining thereto deleted.☐ Court makes a finding of guilt to the charge(s) pled. ☐ Time waived for sentencing, see JUDGMENT.REFERRALS Report ☐ Forfeiture ☐ by 1706130 to 1706130 Assessment Unit ☐ Probation Department ☐ Probation to interview.☐ Pre-sentence ☐ Mini ☐ Supplemental ☐ Psych. ☐ Limited re: Drugs / Alcohol / Domestic Violence / Anger Management / Restitution Report Ordered.☐ Pre-sentence report waived. ☐ Court Collections for payment of 1706130 ☐ Indigent as to attorney fees.☐ The court finds that the defendant has the ability to repay the County of San Diego for the costs of court appointed attorney fees.HEARINGS Set/continued on motion of ☐ People ☐ Defense ☐ Opposed ☐ Unopposed ☐ By Stipulation, ☐ Statutory time is WAIVEDDEFENDANT IS ORDERED TO APPEAR for ☐ on 1706130 at 1706130 in Dept. 1706130☐ Re: Attorney ☐ at 1706130 in Dept. 1706130 ☐ Motion/PC1538.5 ☐ at 1706130 in Dept. 1706130☐ Arraignment ☐ at 1706130 in Dept. 1706130 ☐ Jury / Court Trial ☐ at 1706130 in Dept. 1706130☐ Bail Review ☐ at 1706130 in Dept. 1706130 ☐ Sentencing ☐ at 1706130 in Dept. 1706130☐ Readiness/DWT ☐ at 1706130 in Dept. 1706130 ☐ Prob. Hrg. & Sent ☐ at 1706130 in Dept. 1706130☐ Prelim Exam ☐ at 1706130 in Dept. 1706130 ☐ DEJ / Drug Ct ☐ at 1706130 in Dept. 1706130Time Estimate: 1706130 hr/day Set with case(s): 1706130 ☐ to trail for revocation

MENTAL HEALTH ☐ Proceedings suspended pursuant to PC1368. Mental competency examination on 1706130 at 1706130 by Forensic

Psychiatry Clinic. Females - Room 1003, Central Division; Males - Central Detention Facility. Hearing on 1706130 at 1706130 in Dept. 1706130 of the

Central Division. ☐ The Sheriff is ordered to transport the defendant to and from the examination and hearing stated above.

OTHER ☐ Verbal notice of license suspension (DL 310) signed. ☐ Fingerprint form filed.☐ Book & Release - Report on 1706130 at 1706130 to 1706130 ☐ Central ☐ Vista ☐ Las Colinas Detention Facility

Last re-referrals. No further re-referrals will

be given for any reasons.

CUSTODY STATUS Defendant ☐ REMAIND to custody of Sheriff ☐ without bail ☐ with bail set at / increased to / reduced to \$ 1706130☐ PC1275.1 HOLD.☐ REMAINS AT LIBERTY / RELEASED: ☐ on bail previously posted. ☐ after booking ☐ DEJ ☐ OR ☐ SUPERVISED OR - comply with P.T.S. conditions☐ same terms and conditions ☐ to an authorized representative of: 1706130 on 1706130 at 1706130☐ Release Conditions: ☐ attend 1706130 self-help migs. per week and submit proof at each court hearing. ☐ Abstain from alcohol.☐ Not use or possess any controlled substances without a valid prescription. ☐ Not possess narcotic paraphernalia.☐ Def. waives ☐ amendment rights and agrees to submit person, vehicle, place of residence, property, personal effects to search at any time with or without a☐ warrant, and with or without reasonable cause, when required by a Probation Officer or other law enforcement officer ☐ until revoked. ☐ for the duration of☐ deferred entry of judgment. ☐ Have no contact with / stay away from: 1706130 ☐ Protective Order issued.☐ Previously ordered: ☐ 4th WAIVER ☐ continues ☐ deleted ☐ PROTECTIVE ORDER ☐ continues ☐ deleted.WARRANT ☐ Arrest ☐ Bench ☐ Warrant ordered ☐ Bail set at \$ 1706130 ☐ No Bail ☐ ISSUED ON: 1706130☐ Schedule for hearing. ☐ Mandatory appearance. ☐ Night service authorized. ☐ Cash bail may be forfeited. ☐ HOLD issuance to DATE SET ABOVE.☐ Warrant previously ordered/issued ☐ remains outstanding ☐ rescinded ☐ RECALLED ON: 1706130☐ Affidavit requested. Due by: 1706130BAIL is ☐ exonerated ☐ forfeited ☐ Fine from bail, refund balance. ☐ Declaration of non-collusion/ re-assumption of liability filed.☐ Bail forfeiture is set aside and bond is ☐ reinstated ☐ exonerated ☐ upon payment of court cost \$ 1706130 within 30 days ☐ cost waived☐ Bond #: 1706130 Bond Co. 1706130Date: 1706130 TEST A TRUE COPY, Clerk of the Superior Court by 1706130 DeputyDistribution by: 1706130 on 1706130 to: Jail 1706130 Pros. Prob. R&R Interpreter Acct. Assessment Other: 1706130

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

☐ Central Division ☐ East County Division ☒ North County Division ☐ South County Division

PEOPLE vs. [REDACTED] CASE # [REDACTED] PROS # [REDACTED] STATUS: [REDACTED]
 DATE: 6/8/12 AT: [REDACTED] DEPT. # 24 JUDGE/COMM. A. Katz CLERK M. Torres
 CHARGE(S): HS 11377(a) 1754
 FUTURE DATES: 9-7-12 ET ☐ CONFIRMED ☒ VACATED

Attorney for the People (DDA / DCA)

Defendant / Attorney for the Defendant (PD / APD / PCC / Retained)

☐ Defendant is present by / with / without counsel ☐ at the counter

EX PARTE MINUTES

☐ Amended complaint filed. ☐ Application for Regular Parole, ESP, or Special Parole received, signed, returned to Board and copy filed.
☐ Defendant having been charged with a subsequent violation of _____ in the County of _____, Case # _____

☐ **PROOF FILED RE:** ☐ AA/NA/CA/MA Meetings (____ of ____ completed) ☐ FCP ☐ MCP ☐
☐ MADD ☐ Restitution ☐ _____ hours Volunteer Work in lieu of \$ _____ fine/custody ☐ Next proof due to Court by _____

☐ **CORRESPONDENCE RECEIVED FROM:** ☐ Deft. ☐ Prosecutor ☐ Atty ☐ Victim ☐ Probation ☐ Other _____
REGARDING: ☐ Motion for continuance ☐ due to military commitment ☐ Fines/Fees ☐ Bond ☐ _____

☐ **HEARING** requested by ☐ Defendant ☐ Defense counsel ☐ Prosecutor. Case set as noted below.

☐ **PROBATION:** ☐ (remains) summarily REVOKED ☐ REINSTATED ☐ TERMINATED ☐ CONTINUED ☐ and MODIFIED See below:
☐ Request for FCP/MCP reassignment granted. ☐ Proof of ☐ enrollment ☐ completion due to Court by _____
☐ Re-referred to ☐ _____ days PSP ☐ _____ hours Volunteer Work ☐ Proof of completion to the Court by _____
☐ Proof of completion of _____ submitted within 180 days from issuance of warrant.

☒ **DEFENDANT FAILED TO COMPLY WITH ORDER FOR:** ☐ FCP ☐ MCP ☐ Drug Testing ☒ PC1000 ☐ Volunteer Wk _____ hours
☐ Public Service Program _____ days ☐ Restitution \$ _____ ☐ Custody _____ days ☐ DVRP
☐ AA/NA/CA/MA (_____ for _____) ☐ Other: _____

☐ **DEFENDANT FAILED TO PAY \$** _____ ☐ Fines and fees ☐ balance ☐ including \$ _____ bad check fee ☐ other: _____
 due on _____.

☐ Account balance \$ _____ (including fees) transferred to Collection Agency. Civil Assessment added pursuant to PC1214.1.
☐ Declaration in support of the issuance of warrant filed.

☐ **CASE REFERRED TO JUDGE/COMM.** _____ for consideration. ☐ **TO BE ADDRESSED AT NEXT HEARING.**

JUDICIAL ORDERS

☐ **RECALL WARRANT** ☐ **VACATE FUTURE DATES**
☐ **PROBATION** ☐ summarily revoked ☐ reinstated ☐ terminated ☐ continued, same terms and conditions ☐ modified as follows
☐ **EXTENDED/TOLLED TO** _____
☐ **ARREST** ☐ **BENCH WARRANT** ordered, Bail Amount \$ _____ ☐ Commit ordered, _____ days, _____ day(s) stayed, _____ days credit for time served (_____ actual & _____ PC4019) ☐ Schedule for Court
☐ Proceedings pursuant to PC1000 set aside, finding of guilt to charge(s) pled. ☐ Calendar matter for OSC re: Entry of Judgment
☐ Counsel Appointed: ☐ Public Defender ☐ _____
OTHER: _____
IT IS SO ORDERED: DATE: _____ JUDGE/COMMISSIONER _____

MISCELLANEOUS / POST JUDICIAL REVIEW MINUTES

☐ **DATE:** _____ Pursuant to order of Court as noted above:
☐ Amendment to complaint filed charging ☐ VC40508(a) ☐ PC853.7 ☐ PC1320(a) ☐ Filed as/reduced to an infraction.
☐ **CASE SET FOR:** ☐ Guaranteed Disposition ☐ Arraignment ☐ Motion for: ☐ Further proceedings re: _____
☐ OSC re ☐ Probation Revocation ☐ DEJ ☐ to trial case(s) _____ ON _____ AT _____ DEPT. _____
☐ Defendant ☐ **REMAINS AT LIBERTY** ☐ **RELEASED** on ☐ bail previously posted ☐ probation ☐ OR.
☐ Defendant **REMANDED** to custody of Sheriff, bail set at \$ _____. ☐ Sheriff ordered to produce defendant at hearing noted above.
☐ **CASE DISMISSED** in the furtherance of justice: _____
☐ **ARREST** ☒ **BENCH WARRANT** ☐ as previously ordered ☒ **to ISSUE** ☐ **to REMAIN OUTSTANDING** ☐ **RESCINDED** ☐ **RECALLED**
☒ Bail set at \$ 5,000 ☐ Cash bail may be forfeited ☐ Mandatory appearance ☐ Night service authorized ☐ No checks
☐ HOLD issuance of warrant to date set above. **WARRANT ISSUED:** JUN 8 6 2012 **WARRANT RECALLED:** _____
OTHER: _____
 By: M. Torres, Deputy Clerk

MY SIGNATURE ACKNOWLEDGES THAT I HAVE RECEIVED A COPY AND UNDERSTAND THIS COURT ORDER. Further, if applicable, I agree to all of the following conditions of a release on my own recognizance: (1) I will appear at all times and places as ordered by the Court; (2) I will obey all conditions imposed by the Court; (3) I will not depart this state without permission of the Court; (4) I waive extradition if I fail to appear as ordered by the Court and am apprehended outside of California. I understand that a willful failure to appear in a misdemeanor case is a separate misdemeanor offense punishable by imprisonment in the county jail for up to 6 months, or by a fine of up to \$1,000, or both.

Defendant's Signature _____ Telephone Number _____ Driver's License No. & State _____

Home Address _____ City _____ State _____ Zip Code _____

Attest a true copy CLERK OF THE SUPERIOR COURT Date: _____ by _____ Deputy Clerk

Distribution by: _____ on _____ to: Jail Deft. Atty. Pros. Prob. R&R Assessment Other: _____

☐ Central Division ☐ East County Division ☒ North County Division ☐ South County Division Wakers: ☐ Time ☐ 4hr

CHARGE(S):

CASE TRANSFERRED TO DEPT. _____ TIME ESTIMATE: _____

COUNSEL ☐ **MOTION FOR APPOINTED ATTORNEY** ☐ **Granted** ☐ **Public Defender** ☐ **Alternate Public Defender** ☐ **Office of Assigned Counsel**

DEFENDANT PLEADS: ☐ GUILTY ☐ NO CONTEST to: _____ ☐ VC23152(a) / (b)

MOTION for _____ by ☐ People ☐ Defendant ☐ with ☐ without objection ☐ GRANTED ☐ DENIED.

REFERRALS Report ☐ forthwith ☐ by _____ to ☐ Assessment Unit ☐ Probation Department ☐ Probation to interview.

HEARINGS ☒ continued on motion of ☐ People ☐ Defense ☐ Opposed ☐ Unopposed ☐ By Stipulation, ☐ Statutory time is **WAIVED**

MENTAL HEALTH ☐ Proceedings suspended pursuant to PC1368. Mental competency examination on _____ at _____ by Forensic _____

2. Latency

CUSTODY STATUS Defendant ☐ REMANDED to custody of Sheriff ☐ without bail ☐ with bail set at / increased to / reduced to \$

WARRANT ☐ Arrest ☐ Bench ☐ _____ Warrant ordered ☐ Bail set at \$ _____ ☐ No Bail ☐ ISSUED ON: _____

BAIL is ☐ exonerated ☐ forfeited ☐ Fine from bail, refund balance, ☐ Declaration of non-collusion/ reassumption of liability filed.

ATTEST A TRUE COPY. Clerk of the Superior Court by _____ Deputy

Distribution by: 103910 to: Jail Dept. Atty. Pres. Prob. R&B Interpreter Acct. Assessment Other:

CSO2 001450 (Rev. 01/14)

SOSC FORM 150 (REV. 0/11) DISSEMINATION ELEMENT - PRE-DISSEMINATION ANALYSIS

☐ Central Division ☐ East County Division ☐ North County Division ☒ South County Division Waivers: ☐ Time ☐ 4th

PEOPLE vs. [REDACTED] STATUS: OTHER \$ [REDACTED] ☐ BB ☐ CB (Y/N)
CASE # [REDACTED] PROS. # [REDACTED] DOB: [REDACTED] BKG # [REDACTED] CTS: _____ days _____ hrs.
DATE: 02-04-2014 AT 08:30 DEPT. # 006 INTERP: _____ ☐ Spanish ☐ Sworn ☐ Oath on File
JUDGE/COMM/TEMP JUDGE: ZIMMERMAN, ALAGOTTA ☐ STIP. FILED REPORTER: _____
CLERK: C. Belancourt CSR # / COUNTER #: _____ Janet Giannantonio, CSR 127117

CHARGE(S): 115511377(A) / 17 (b) (4) 15TH DAY

FUTURE DATES: Patrick ☒ CONFIRMED ☐ VACATED

Attorney for the People (DCA / DCA / DAG) ☐ Supervised Cert. Legal Intern
 DEFENDANT: ☒ PRESENT ☐ VIA AUDIO VIDEO ☐ SELF REPRESENTED ☐ NOT PRESENT ☐ NOT PRODUCED ☐ FAILED TO APPEAR

Case called for ☐ FTA ☐ Arraignment ☐ Bail Review ☐ Readiness/DWT ☐ Jury Trial ☐ Preliminary Examination ☐ Motion
☒ DE ☐ Other ☐ Full ☐ Limited Protective Order Hearing ☐ Protested Party

☐ Warrant Ordered/Issued on _____ ☐ Held to today ☐ Cleared ☐ Outstanding. all = 0

Complaint amended ☐ by interlineation to read:

☐ Defendant advised of and waives the right to a separate and conflict-free attorney / interpreter for this court appearance.

☐ Defendant duly arraigned and advised of the constitutional and statutory rights as indicated on the reverse side of this minute order.*

☐ Acknowledgment of advisal of constitutional rights signed and filed. ☐ Defendant has received copy of complaint.

☐ Defendant waives reading of complaint. ☐ Def. states true name is _____ ☐ on complaint (____ line)
☐ **DEFENDANT PLEADS NOT GUILTY** and denies any prior/allegations/separate convictions alleged ☐ on amended complaint.
☐ Defendant waives right to a jury trial and consents to trial by the court. ☐ Defendant consents to a bench trial. ☐ Defendant consents to a jury trial.

COUNSEL: ☐ MOTION FOR APPOINTMENT OF COUNSEL ☐ Court-appointed Public Defender ☐ Attorney Public Defender ☐ Office of Assigned Counsel

COUNSEL ☐ **MOTION FOR APPOINTED ATTORNEY** ☐ **Granted** ☐ **Public Defender** ☐ **Alternate Public Defender** ☐ **Office of Assigned Counsel** ☐
Atty: ☐ **Denied** ☐ **Referred to Near Indigent Panel** ☐ **Defendant to retain counsel.** ☐
☐ **Motion for self-representation is** ☐ **granted** ☐ **denied** ☐ **Enrolled near Waiver signed & filed** ☐ **OAC appointed - laral unaffordable ancillary services** ☐

CONVICTION ☐ Delit. is sworn and examined. ☐ Defendant withdraws any previously entered plea.
DEFENDANT PLEADS: ☐ GUILTY ☐ NO CONTEST ☐ VC23152(a)(1)(b)

☐ Admits _____ separate conviction(s) alleged/
☐ Charges contained in amended/amendment to complaint. ☒ VC23103(a) per 23103.5 ☐ as a lesser included offense of _____ allegation(s)

☐ On motion of Court/People/Defendant remaining count(s) _____ is/are DISMISSED. Allegation(s)/Prior(s) remaining is/are STRICKEN ☐ FOJ ☐ VOP
☐ Plea form executed and filed ☐ People vs. West ☐ BAC: _____

☐ ADVISALS: ☐ Theft - PC666 ☐ DUI - VC23593

PC1210 ☐ Drug Court ☐ accepted ☐ declined,
☐ Stimulated response ☐ Case certified as a general jurisdiction matter ☐ Complaint deemed the information

MOTION for _____ by _____ People _____ Defendant _____ with _____ without objection _____ GRANTED _____ DENIED.

PC1000 ☐ Defendant's motion for ☐ reinstatement to ☐ PC1000 granted as to count(s) _____, for _____ mo./yrs. ☐ New term
☐ Time waived for sentencing ☐ S.D. Rescue Mission Program ☐ Enroll by _____ Comply with all directions of Assessor.

☐ Defendant has satisfactorily COMPLETED the DEJ Program, previously entered plea to count(s) _____ set aside and charges dismissed.

☐ Defendant has FAILED to satisfactorily perform in the DEJ Program. ☐ PC1000 set aside and any unpaid fees pertaining thereto deleted.
☐ Court makes a finding of guilt to the charge(s) pled. ☐ Time waived for sentencing, see JUDGMENT.

REFERRALS Report ☐ forthwith ☐ by _____ to ☐ Assessment Unit ☐ Probation Department ☐ Probation to interview.
☐ Pre-sentence ☐ Mini ☐ Supplemental ☐ Psych. ☐ Limited re: Drugs / Alcohol / Domestic Violence / Anger Management / Restitution Report Ordered.

** The court finds that the defendant has the ability to repay the County of San Diego for the costs of court appointed attorney fees,

HEARINGS (Self-continued on motion of ☐ People ☒ Defense ☐ Opposed ☒ Unopposed ☐ By Stipulation, ☐ Statutory time is WAIVED
 DEFENDANT IS ORDERED TO APPEAR for ☐ on _____ at _____ in Dept. _____

☐ Re: Attorney _____ at _____ in Dept. ☐ Motion/PC1538.5 _____ at _____ in Dept. _____
☐ Arraignment _____ at _____ in Dept. ☐ Jury / Court Trial _____ at _____ in Dept. _____
☐ _____ at _____ in Dept. _____

☐ Bail Review _____ at _____ in Dept. _____

☐ Readiness/DWT _____ at _____ in Dept. _____

☐ Sentencing _____ at _____ in Dept. _____

☐ Prob. Hrg. & Sent _____ at _____ in Dept. _____

Prelim Exam _____ at _____ in Dept. _____ ☒ DEJ ☐ Drug Ct. 3.9.12 at 1:30 in Dept. 6
Time Estimate: _____ hr/day Set with case(s): _____ proof of enrollment ☐ to trail for revocation

MENTAL HEALTH ☐ Proceedings suspended pursuant to PC1368. Mental competency examination on _____ at _____ by Forensic Psychiatry Clinic. Females - Room 1003, Central Division; Males - Central Detention Facility. Hearing on _____ at _____ in Dept. _____ of the _____

OTHER ☐ Verbal notice of license suspension (DL 310) signed. ☐ Fingerprint form filed.

☐ Book & Release - Report on _____ at _____ to ☐ Central ☐ Vista ☐ Las Colinas Detention Facility.

Final continuance for proof of enrollment. If proof is absent at next hearing criminal proceedings will be terminated.

proceedings will be initiated.

CUSTODY STATUS Defendant ☐ REMANDED to custody of Sheriff ☐ without bail ☐ with bail set at / increased to / reduced to \$ _____
☐ PC1275.1 HOLD. ☐ Pretrial Services Report Ordered re: SOR.

☒ REMAINS AT LIBERTY ☒ RELEASED: ☐ on bail previously posted. ☐ after booking ☒ DEJ ☐ OR ☐ SUPERVISED OR - comply with P.T.S. conditions
☒ Same terms and conditions ☐ to an authorized representative of: _____ on _____ at _____

☐ Release Conditions: ☐ Attend _____ self-help mtgs. per week and submit proof at each court hearing. ☐ Abstain from alcohol.
☐ Not use or possess any controlled substances without a valid prescription. ☐ Not possess narcotic paraphernalia.
☐ Not wearing 4th amendment search rights and agree to submit to any search of person, residence, property, personal effects to search at any time with sufficient cause.

☐ Gen. waves 4 amendment rights and agrees to submit person, vehicle, place or residence, property, personal effects to search at any time with or without a warrant, and with or without reasonable cause, when required by a Probation Officer or other law enforcement officer ☐ until revoked. ☐ for the duration of deferred entry of judgment. ☐ Have no contact with / stay away from: ☐ Protective Order issued

Previously ordered: ☐ 4th WAIVER ☐ continues ☐ deleted ☐ PROTECTIVE ORDER ☐ continues ☐ deleted.

WARRANT ☐ Arrest ☐ Bench ☐ Warrant ordered ☐ Bail set at \$ ☐ No Bail ☐ ISSUED ON:

☐ Schedule for hearing. ☐ Mandatory appearance. ☐ Night service authorized. ☐ Cash bail may be forfeited. ☐ HOLD issuance to DATE SET ABOVE.
☐ Warrant previously ordered/issued ☐ remains outstanding ☐ rescinded ☐ RECALLED ON: _____

☐ Affidavit requested. Due by: _____.

BAIL is ☐ exonerated ☐ forfeited ☐ Fine from bail, refund balance. ☐ Declaration of non-collusion/ reassumption of liability filed.

☐ Bail forfeiture is set aside and bond is ☐ reinstated ☐ exonerated ☐ upon payment of court cost \$ _____ within 30 days ☐ cost waived
☐ Bond #: _____ Bond \$ _____ Bond Co. _____

Date: 3-28-12 ATTEST A TRUE COPY, Clerk of the Superior Court by _____ Deputy

Distribution by: on to: Jail Del. Aily. Prod. Prod. R&R Interpreter Acc. Assessment Court

SDSC CRM-150 (Rev. 9/11)

MISDEMEANOR/FELONY - PRE-DISPOSITION MINUTES

100

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

☐ Central Division ☐ East County Division ☒ North County Division ☐ South County Division Waivers: ☐ Time ☐ 4h

PEOPLE vs. [REDACTED] A STATUS: OTHER ☐ BB ☐ CB (Y/N)

CASE # [REDACTED] PROS. # [REDACTED] DOB: [REDACTED] BKG # [REDACTED] CTS: days hrs.

DATE: 02-21-12 AT 08:30 DEPT. # 006 INTERP: ☐ Spanish ☐ Sworn ☐ Oath on File

JUDGE/COMM/TEMP JUDGE: RTMERRIE A. TAGOTTA ☐ STIP. FILED REPORTER:

CLERK: [REDACTED] CSR # / COUNTER #: JANET GIANANTONIO, CSR 12717

CHARGE(S): 1) PC15377(A) 1764 13TH DAY

FUTURE DATES: C. Ryan ☐ CONFIRMED ☐ VACATED B 31-1-50

Attorney for the People (DDA/DCA/DAG) ☐ Supervised Cert. Legal Intern Patrick Maloney Attorney for Defendant (PD/APD/OAC/Retained/Counseling) ☐ Supervised Cert. Legal Intern

DEFENDANT: ☐ PRESENT ☐ VIA AUDIO VIDEO ☐ SELF REPRESENTED ☒ NOT PRESENT ☐ NOT PRODUCED ☐ FAILED TO APPEAR

Case called for ☐ FTA ☐ Arraignment ☐ Bail Review ☐ Readiness/DWT ☐ Jury Trial ☐ Preliminary Examination ☐ Motion

☒ DEJ for enrollment ☐ Full ☐ Limited Protective Order Expires: Protected Party:

☐ Warrant Order issued on ☐ Held to today ☐ Cleared ☐ Outstanding. fee = 0

CASE TRANSFERRED TO DEPT. TIME ESTIMATE:

Complaint amended ☐ by interlineation to read:

☐ Amended ☐ Amendment to ☐ complaint filed ☐ charging ☐ adding ☐ VC23103 (a) pursuant to VC23103.5 ☐ VC22107, VC21658(a), PC647(f)

☐ as INFRACTION(S) pursuant to PC17(d)(2). ☐ other:

☐ Defendant advised of and waives the right to a separate and conflict-free attorney / interpreter for this court appearance.

☐ Defendant duly arraigned and advised of the constitutional and statutory rights as indicated on the reverse side of this minute order.

☐ Acknowledgment of advisal of constitutional rights signed and filed. ☐ Defendant has received copy of complaint.

☐ Defendant waives reading of complaint. ☐ Def. states true name is ☐ on complaint (line)

☐ DEFENDANT PLEADS NOT GUILTY and denies any priors/allegations/separate convictions alleged ☐ on amended complaint.

☐ Defendant WAIVES: ☐ time for speedy trial ☐ 10 day/60 day statutory time for preliminary hearing ☐ personal presence ☐ per PC977

☐ bail review ☐ jury trial ☐ preliminary hearing

COUNSEL ☐ MOTION FOR APPOINTMENT

Atty:

☐ Motion for self-representation is ☐ CONVICTION ☐ Def. is sworn at

DEFENDANT PLEADS: ☐ GUILTY

☐ Admits Completion:

☐ Charges contained in amended/am 8-24-12

☐ On motion of Court/People/Defend 130

☐ Plea form executed and filed ☐ Pe

☐ Court finds a knowing and intelligent

ADVISALS: ☐ Theft - PC666 ☐

WAIVERS: ☐ Arbuckle ☐ Blakely ☐

PC1210 ☐ Drug Court ☐ accepted

☐ Stipulated bindover. ☐ Case certify

☐ Defendant to provide DNA database

Disposal Received all MINUTES.

Informati 3 Credits

☐ with ☐ @ plea VED.

for

comply w

 set aside and charges dismissed.

 unpaid fees pertaining thereto deleted.

MOTION for

PC1000 ☐ Defendant's motion for ☐

☐ Time waived for sentencing ☐ S.D. I

☐ \$ DEJ Admin Fees (I

☐ Defendant has satisfactorily COMPLE

☐ Defendant has FAILED to satisfactori

☐ Court makes a finding of guilt to the ch

REFERRALS Report ☐ forthwith ☐

☐ Pre-sentence ☐ Mini ☐ Supplemental ☐ Psych. ☐ Limited re: Drugs / Alcohol / Domestic Violence / Anger Management / Restitution Report Ordered.

☐ Pre-sentence report waived. ☐ Court Collections for payment of attorney fees ** \$ ☐ indigent as to attorney fees.

** The court finds that the defendant has the ability to repay the County of San Diego for the costs of court appointed attorney fees.

HEARINGS Set/continued on motion of ☐ People ☒ Defense ☐ Opposed ☐ Unopposed ☐ By Stipulation, ☐ Statutory time is WAIVED

DEFENDANT IS ORDERED TO APPEAR for ☐ on at in Dept.

☐ Re: Attorney at in Dept. ☐ Motion/PC1538.5 at in Dept.

☐ Arraignment at in Dept. ☐ Jury / Court Trial at in Dept.

☐ Bail Review at in Dept. ☐ Sentencing at in Dept.

☐ Readiness/DWT at in Dept. ☐ Prob. Hrg. & Sent at in Dept.

☐ Prelim Exam at in Dept. ☒ DEJ ☐ Drug Ct 2-24-12 at 8:30 in Dept. 6

Time Estimate: hr/day Set with case(s): Enrollment ☐ to trail for revocation

MENTAL HEALTH ☐ Proceedings suspended pursuant to PC1368. Mental competency examination on at by Forensic Psychiatry Clinic. Females - Room 1003, Central Division; Males - Central Detention Facility. Hearing on at in Dept. of the Central Division. ☐ The Sheriff is ordered to transport the defendant to and from the examination and hearing stated above.

OTHER ☐ Verbal notice of license suspension (DL 310) signed. ☐ Fingerprint form filed.

☐ Book & Release - Report on at to ☐ Central ☐ Vista ☐ Las Colinas Detention Facility.

CUSTODY STATUS Defendant ☐ REMANDED to custody of Sheriff ☐ without bail ☐ with bail set at / increased to / reduced to \$

☐ PC1275.1 HOLD. ☐ Pretrial Services Report Ordered re: SOR

☒ REMAINS AT LIBERTY ☐ RELEASED: ☐ on bail previously posted. ☐ after booking ☒ DEJ ☐ OR ☐ SUPERVISED OR - comply with P.T.S. conditions

☐ same terms and conditions ☐ to an authorized representative of: on at

☐ Release Conditions: ☐ Attend self-help mgs. per week and submit proof at each court hearing. ☐ Abstain from alcohol.

☐ Not use or possess any controlled substances without a valid prescription. ☐ Not possess narcotic paraphernalia.

☐ Def. waives 4th amendment rights and agrees to submit person, vehicle, place of residence, property, personal effects to search at any time with or without a warrant, and with or without reasonable cause, when required by a Probation Officer or other law enforcement officer ☐ until revoked. ☐ for the duration of deferred entry of judgment. ☐ Have no contact with / stay away from: ☐ Protective Order issued.

☐ Previously ordered: ☐ 4th WAIVER ☐ continues ☐ deleted ☐ PROTECTIVE ORDER ☐ continues ☐ deleted.

WARRANT ☐ Arrest ☐ Bench ☐ Warrant ordered ☐ Bail set at \$ ☐ No Bail ☐ ISSUED ON:

☐ Schedule for hearing. ☐ Mandatory appearance. ☐ Night service authorized. ☐ Cash bail may be forfeited. ☐ HOLD issuance to DATE SET ABOVE.

☐ Warrant previously ordered/issued ☐ remains outstanding ☐ rescinded ☐ RECALLED ON:

☐ Affidavit requested. Due by:

BAIL ☐ is ☐ exonerated ☐ forfeited ☐ Fine from bail, refund balance. ☐ Declaration of non-collusion/ re-assumption of liability filed.

☐ Bail forfeiture is set aside and bond is ☐ reinstated ☐ exonerated ☐ upon payment of court cost \$ within 30 days ☐ cost waived

☐ Bond #: Bond \$ Bond Co.

Date: ATTEST A TRUE COPY, Clerk of the Superior Court by Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY of SAN DIEGO

☐ Central Division, 220 W. Broadway, San Diego, CA 92101-3814
☐ East County Division, 250 E. Main St., El Cajon, CA 92020-3941

☒ North County Division, 325 S. Melrose Dr., Vista, CA 92081-6695
☐ South County Division, 500 3rd Ave., Chula Vista CA 91910-5649

**Substance Abuse Assessment Unit Addendum
 AGREEMENT FOR DEFERRED ENTRY OF JUDGMENT**

People v. [REDACTED]

Case No(s): [REDACTED]

Judge: LaGrone Dept. 6

Date: 2-6-12

Charges: 1) HS11377(a) 17b4

☒ Re-referral

Confirm/Vacate: _____

You have been granted Deferred Entry of Judgment (DEOJ), and subsequently referred to the Substance Abuse Assessment Unit (SAAU) for assignment to a program. You must comply with the terms and conditions indicated below during the term of the DEOJ period. Failure to do so may result in reinstatement of criminal proceedings and a warrant issued for your arrest.

☒ Deferred Entry of Judgment is set for a period of: ☐ 18 months ☐ (Other) _____

☒ Attend self-help meetings as directed by the program provider.

☒ Submit to a drug test at any time during the DEOJ period, as directed by the Court or provider. Said drug test will be at a facility designated by the Court and at your own expense.

☒ Remain law abiding in all respects. You are advised that any new offense may cause reinstatement of criminal proceedings.

☒ Attend and successfully complete the following program:

☐ County of San Diego PC1000 program – see referral form attached.

☐ _____ (Alternative Program)

☐ Out-of-County / Out-of-State program authorized as listed: _____

☐ Submit proof of enrollment in Out-of-County/ Out-of-State program by mail 2 weeks prior to court date.

☐ Show proof of DEOJ Enrollment, Completion or Progress Reports when ordered to do so by the Court or SAAU.

☐ Contact the program within 72 hours ☐ Enroll by: _____ ☐ Complete by: _____ ☐ Progress Report Due on: _____

Def't must show proof of enrollment to judge (see note)

Next Court Room Appearance is set for <u>2-21-12</u> at <u>8:30</u> a.m./p.m. in Dept. <u>6</u>
Final Review is set for _____ at _____ a.m./p.m. in Dept. _____
Next SAAU Monitoring Date is set for _____ at _____ a.m./p.m.
Bring the following proof: <input checked="" type="checkbox"/> Enrollment/Completion/Progress Report from the DEOJ/PC1000 Provider.
<input type="checkbox"/> Drug Testing Lab Results. <input type="checkbox"/> PC1001-10 Education completion.

CONSENT FOR RELEASE OF ALCOHOL OR DRUG ABUSE PATIENT INFORMATION OR RECORDS

I hereby authorize MRS to disclose drug test records obtained in the course of my DEOJ program to an authorized representative of the Superior Court, County of San Diego. The disclosure of records authorized herein is required for the following purpose: To monitor my compliance with the terms and conditions of the DEOJ program.

I HAVE RECEIVED A COPY of this agreement. I UNDERSTAND if I fail to comply with these terms and conditions, a finding of guilt may be entered and judgment imposed on the charge(s) to which I have pled guilty.

Defendant's signature: [REDACTED] Phone No. [REDACTED]

Defendant's Address: [REDACTED] ZIP Code: 92054

Street City State

This order was prepared and executed by: D. Cross Substance Abuse Assessor/Clerk

I, _____ certify, I translated the addendum to the defendant from English to his/her native/sign language.

Distribution: Court Case (Original) Defendant (Canary) Assessment Unit (Pink)

SUPERIOR COURT OF CALIFORNIA, COUNTY of SAN DIEGO

☐ Central Division, 220 W. Broadway, San Diego, CA 92101-3814
☐ East County Division, 250 E. Main St., El Cajon, CA 92020-3941

☒ North County Division, 325 S. Melrose Dr., Vista, CA 92081-6695
☐ South County Division, 500 3rd Ave., Chula Vista CA 91910-5649

**Substance Abuse Assessment Unit Addendum
 AGREEMENT FOR DEFERRED ENTRY OF JUDGMENT**

People v. [REDACTED]

Case No(s): [REDACTED]

Judge: Lagotta Dept. 6

Date: 1-9-12

Charges: 1) HS 11377(A) 17 b4

☒ Re-referral Confirm/Vacate: _____

You have been granted Deferred Entry of Judgment (DEOJ), and subsequently referred to the Substance Abuse Assessment Unit (SAAU) for assignment to a program. You must comply with the terms and conditions indicated below during the term of the DEOJ period. Failure to do so may result in reinstatement of criminal proceedings and a warrant issued for your arrest.

☒ Deferred Entry of Judgment is set for a period of: ☐ 18 months ☐ (Other) _____

☒ Attend self-help meetings as directed by the program provider.

☒ Submit to a drug test at any time during the DEOJ period, as directed by the Court or provider. Said drug test will be at a facility designated by the Court and at your own expense.

☒ Remain law abiding in all respects. You are advised that any new offense may cause reinstatement of criminal proceedings.

☒ Attend and successfully complete the following program:

☒ County of San Diego PC1000 program – see referral form attached.

☐ _____ (Alternative Program)

☐ Out-of-County / Out-of-State program authorized as listed: _____

☐ Submit proof of enrollment in Out-of-County/ Out-of-State program by mail 2 weeks prior to court date.

☒ Show proof of DEOJ Enrollment, Completion or Progress Reports when ordered to do so by the Court or SAAU.

☒ Contact the program within 72 hours ☒ Enroll by: AGM Complete by: _____ ☐ Progress Report Due on: _____

DEOJ granted extension due to finances - Last Re-Referral

Next Court Room Appearance is set for _____ at _____ a.m./p.m. in Dept. _____
 Final Review is set for _____ at _____ a.m./p.m. in Dept. _____
 Next SAAU Monitoring Date is set for 2-6-12 at 8:30 a.m./p.m.
 Bring the following proof: ☒ Enrollment/Completion/Progress Report from the DEOJ/PC1000 Provider.
☐ Drug Testing Lab Results ☐ PC1001.10 Education completion

CONSENT FOR RELEASE OF ALCOHOL OR DRUG ABUSE PATIENT INFORMATION OR RECORDS

I hereby authorize _____ to disclose drug test records obtained in the course of my DEOJ program to an authorized representative of the Superior Court, County of San Diego. The disclosure of records authorized herein is required for the following purpose: To monitor my compliance with the terms and conditions of the DEOJ program.

I HAVE RECEIVED A COPY of this agreement. I UNDERSTAND if I fail to comply with these terms and conditions, a finding of guilt may be entered and judgment imposed on the charge(s) to which I have pled guilty.

Defendant's signature: [REDACTED] Phone No. [REDACTED]

Defendant's Address: [REDACTED] State CA ZIP Code 92651

This order was prepared and executed by: [Signature], Substance Abuse Assessor/Clerk

I, _____, certify, I translated the addendum to the defendant from English to his/her native/sign language.

Distribution: Court Case (Original) [Signature] Defendant (Canary) Assessment Unit (Pink)

SUPERIOR COURT OF CALIFORNIA, COUNTY of SAN DIEGO

☐ Central Division, 220 W. Broadway, San Diego, CA 92101-3814
☐ East County Division, 250 E. Main St., El Cajon, CA 92020-3941

☒ North County Division, 325 S. Melrose Dr., Vista, CA 92081-6695
☐ South County Division, 500 3rd Ave., Chula Vista CA 91910-5649

**Substance Abuse Assessment Unit Addendum
 AGREEMENT FOR DEFERRED ENTRY OF JUDGMENT**

People v. [REDACTED]

Case No(s): [REDACTED]

Judge: LEBOTA Dept. 6

Date: 12-8-11

Charges: HR11877(a)/1764

☒ Re-referral

Confirm/Vacate: _____

You have been granted Deferred Entry of Judgment (DEOJ), and subsequently referred to the Substance Abuse Assessment Unit (SAAU) for assignment to a program. You must comply with the terms and conditions indicated below during the term of the DEOJ period. Failure to do so may result in reinstatement of criminal proceedings and a warrant issued for your arrest.

☒ Deferred Entry of Judgment is set for a period of: ☒ 18 months ☐ (Other) _____

☒ Attend self-help meetings as directed by the program provider.

☒ Submit to a drug test at any time during the DEOJ period, as directed by the Court or provider. Said drug test will be at a facility designated by the Court and at your own expense.

☒ Remain law abiding in all respects. You are advised that any new offense may cause reinstatement of criminal proceedings.

☒ Attend and successfully complete the following program:

☐ County of San Diego PC1000 program – see referral form attached.

☐ _____ (Alternative Program)

☐ Out-of-County / Out-of-State program authorized as listed: _____

☐ Submit proof of enrollment in Out-of-County/ Out-of-State program by mail 2 weeks prior to court date.

☒ Show proof of DEOJ Enrollment, Completion or Progress Reports when ordered to do so by the Court or SAAU.

☒ Contact the program within 72 hours ☒ Enroll by ASAP ☐ Complete by: _____ ☐ Progress Report Due on: _____

Next Court Room Appearance is set for _____ at _____ a.m./p.m. in Dept. _____
 Final Review is set for _____ at _____ a.m./p.m. in Dept. _____
 Next SAAU Monitoring Date is set for 1-9-12 at 900 a.m./p.m.
 Bring the following proof: ☒ Enrollment/Completion/Progress Report from the DEOJ/PC1000 Provider.
☐ Drug Testing Lab Results. ☐ PC1001.10 Education completion.

CONSENT FOR RELEASE OF ALCOHOL OR DRUG ABUSE PATIENT INFORMATION OR RECORDS

I hereby authorize _____ to disclose drug test records obtained in the course of my DEOJ program to an authorized representative of the Superior Court, County of San Diego. The disclosure of records authorized herein is required for the following purpose: To monitor my compliance with the terms and conditions of the DEOJ program.

I HAVE RECEIVED A COPY of this agreement. I UNDERSTAND if I fail to comply with these terms and conditions, a finding of guilt may be entered and judgment imposed on the charge(s) to which I have pled guilty.

Defendant's signature [REDACTED] Phone No. [REDACTED]

Defendant's Address: [REDACTED] City San Diego State CA ZIP Code 92105

This order was prepared and executed by: [Signature], Substance Abuse Assessor/Clerk

I, _____, certify, I translated the addendum to the defendant from English to his/her native/sign language.

Distribution: Court Case (Original)

Defendant (Canary)

Assessment Unit (Pink)

SUPERIOR COURT OF CALIFORNIA, COUNTY of SAN DIEGO

☐ Central Division, 220 W. Broadway, San Diego, CA 92101-3814
☐ East County Division, 250 E. Main St., El Cajon, CA 92020-3941

☒ North County Division, 325 S. Melrose Dr., Vista, CA 92081-6695
☐ South County Division, 500 3rd Ave., Chula Vista CA 91910-5649

**Substance Abuse Assessment Unit Addendum
 AGREEMENT FOR DEFERRED ENTRY OF JUDGMENT**

People v. [REDACTED]

Case No(s): [REDACTED]

Judge: LAGOTTA Dept. 6

Date: 11-8-11

Charges: HS11377(Ca)/1764

☒ Re-referral

Confirm/Vacate: _____

You have been granted Deferred Entry of Judgment (DEOJ), and subsequently referred to the Substance Abuse Assessment Unit (SAAU) for assignment to a program. You must comply with the terms and conditions indicated below during the term of the DEOJ period. Failure to do so may result in reinstatement of criminal proceedings and a warrant issued for your arrest.

- ☐ Deferred Entry of Judgment is set for a period of: ☐ 18 months ☐ (Other) _____
- ☐ Attend self-help meetings as directed by the program provider.
- ☐ Submit to a drug test at any time during the DEOJ period, as directed by the Court or provider. Said drug test will be at a facility designated by the Court and at your own expense.
- ☐ Remain law abiding in all respects. You are advised that any new offense may cause reinstatement of criminal proceedings.
- ☒ Attend and successfully complete the following program: MHS
 - ☐ County of San Diego PC1000 program – see referral form attached.
 - ☐ _____ (Alternative Program)
 - ☐ Out-of-County / Out-of-State program authorized as listed: _____
- ☐ Submit proof of enrollment in Out-of-County/ Out-of-State program by mail 2 weeks prior to court date.
- ☐ Show proof of DEOJ Enrollment, Completion or Progress Reports when ordered to do so by the Court or SAAU.
- ☐ Contact the program within 72 hours ☐ Enroll by: _____ ☐ Complete by: _____ ☐ Progress Report Due on: _____

Next Court Room Appearance is set for _____ at _____ a.m./p.m. in Dept. _____
Final Review is set for _____ at _____ a.m./p.m. in Dept. _____
Next SAAU Monitoring Date is set for <u>12-8-11</u> at <u>9:00</u> a.m./p.m.
Bring the following proof: <input checked="" type="checkbox"/> Enrollment/Completion/Progress Report from the DEOJ/PC1000 Provider
<input type="checkbox"/> Drug Testing Lab Results. <input type="checkbox"/> PC1001.10 Education completion

<p align="center">CONSENT FOR RELEASE OF ALCOHOL OR DRUG ABUSE PATIENT INFORMATION OR RECORDS</p> <p>I hereby authorize <u>MHS</u> to disclose drug test records obtained in the course of my DEOJ program to an authorized representative of the Superior Court, County of San Diego. The disclosure of records authorized herein is required for the following purpose: To monitor my compliance with the terms and conditions of the DEOJ program.</p>

I HAVE RECEIVED A COPY of this agreement. I UNDERSTAND if I fail to comply with these terms and conditions, a finding of guilt may be entered and judgment imposed on the charge(s) to which I have pled guilty.

Defendant's signature: [REDACTED] Phone No: [REDACTED]

Defendant's Address: [REDACTED] CIA State 92054 ZIP Code

This order was prepared and executed by: [Signature], Substance Abuse Assessor/Clerk
 I, _____, certify, I translated the addendum to the defendant from English to his/her native/sign language.

SUPERIOR COURT OF CALIFORNIA, COUNTY of SAN DIEGO

☐ Central Division, 220 W. Broadway, San Diego, CA 92101-3814
☐ East County Division, 250 E. Main St., El Cajon, CA 92020-3941

☒ North County Division, 325 S. Melrose Dr., Vista, CA 92081-6695
☐ South County Division, 500 3rd Ave., Chula Vista CA 91910-5649

**Substance Abuse Assessment Unit Addendum
 AGREEMENT FOR DEFERRED ENTRY OF JUDGMENT**

People v. [REDACTED]

Case No(s): [REDACTED]

Judge: Lagotta Dept. 6

Date: 10/9/11

Charges: 1) HB 11377 (A)

☐ Re-referral

Confirm/Vacate: _____

You have been granted Deferred Entry of Judgment (DEOJ), and subsequently referred to the Substance Abuse Assessment Unit (SAAU) for assignment to a program. You must comply with the terms and conditions indicated below during the term of the DEOJ period. Failure to do so may result in reinstatement of criminal proceedings and a warrant issued for your arrest.

☒ Deferred Entry of Judgment is set for a period of: ☒ 18 months ☐ (Other) _____

☒ Attend self-help meetings as directed by the program provider.

☒ Submit to a drug test at any time during the DEOJ period, as directed by the Court or provider. Said drug test will be at a facility designated by the Court and at your own expense.

☒ Remain law abiding in all respects. You are advised that any new offense may cause reinstatement of criminal proceedings.

☒ Attend and successfully complete the following program:

☐ County of San Diego PC1000 program – see referral form attached.

☒ Kaiser Substance Abuse (Alternative Program)

☐ Out-of-County / Out-of-State program authorized as listed: Counseling Regarding Personal on Value Issues.

☐ Submit proof of enrollment in Out-of-County/ Out-of-State program by mail 2 weeks prior to court date.

☐ Show proof of DEOJ Enrollment, Completion or Progress Reports when ordered to do so by the Court or SAAU.

☐ Contact the program within 72 hours ☐ Enroll by: _____ ☐ Complete by: _____ ☐ Progress Report Due on: _____

Next Court Room Appearance is set for _____ at _____ a.m./p.m. in Dept. _____
 Final Review is set for _____ at _____ a.m./p.m. in Dept. _____
 Next SAAU Monitoring Date is set for 11-8-11 at 8:30 a.m./p.m.
 Bring the following proof: ☐ Enrollment/Completion/Progress Report from the DEOJ/PC1000 Provider.
☒ Drug Testing Lab Results. ☐ PC1001.10 Education completion. Kaiser Intake Form.

CONSENT FOR RELEASE OF ALCOHOL OR DRUG ABUSE PATIENT INFORMATION OR RECORDS

I hereby authorize Kaiser to disclose drug test records obtained in the course of my DEOJ program to an authorized representative of the Superior Court, County of San Diego. The disclosure of records authorized herein is required for the following purpose: To monitor my compliance with the terms and conditions of the DEOJ program.

I HAVE RECEIVED A COPY of this agreement. I UNDERSTAND if I fail to comply with these terms and conditions, a finding of guilt may be entered and judgment imposed on the charge(s) to which I have pled guilty.

Defendant's signature: [REDACTED]

Phone No. _____

Defendant's Address: [REDACTED]

Street

City

State

ZIP Code

This order was prepared and executed by: M. Mancoske, Substance Abuse Assessor/Clerk

I, _____, certify, I translated the addendum to the defendant from English to his/her native/sign language.

Distribution: Court Case (Original)

Defendant (Canary)

Assessment Unit (Pink)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
☐ Central Division ☐ East County Division ☒ North County Division ☐ South County Division
PEOPLE vs. [REDACTED] ASTATUS: BAIL \$ 5000. -
CASE # [REDACTED] PROS. # [REDACTED] DOB: [REDACTED] BKG # [REDACTED] CTS: [REDACTED]
DATE: 10-19-11 AT 08:30 DEPT. # 006 INTERP: [REDACTED]
JUDGE/COMM/TEMP JUDGE: KIMBERLEE A. LAGOTTA ☐ STIP. FILED REPORTER: L. Penfield 8589
CLERK: C. Botancourt CSR # / COUNTER #:

CHARGE(S): HS11377(A) / 17(b)4
FUTURE DATES: PR 10-24-11
☐ CONFIRMED ☒ VACATED

Attorney for the People (CDA/DCA/DAG) ☐ Supervised Cert. Legal Intern
Attorney for Defendant (PD/APD/OAC/Retained/Counseling) ☐ Supervised Cert. Legal Intern
DEFENDANT: ☒ PRESENT ☐ VIA AUDIO VIDEO ☐ SELF REPRESENTED ☐ NOT PRESENT ☐ NOT PRODUCED ☐ FAILED TO APPEAR
Case called for: ☐ FTA ☐ Arraignment ☐ Bail Review ☒ Readiness/DWT ☐ Jury Trial ☐ Preliminary Examination ☐ Motion
☐ DEJ ☐ Full ☐ Limited Protective Order Expires: Protected Party:
☐ Warrant Order/Endorsement: ☐ Held to today ☐ Cleared ☐ Outstanding.

CASE TRANSFERRED TO DEPT. TIME ESTIMATE: 17(b)4
Complaint amended ☐ by interlineation to read: CT 1 - HS11377(A) 17(b)4
☐ Amended ☐ Amendment to ☐ complaint filed ☐ charging ☒ adding ☐ VC23103 (a) pursuant to VC23103.5 ☐ VC22107, VC21658(a), PC847(f)
☐ as INFRACTION(S) pursuant to PC17(d)(2). ☐ other:
☐ Defendant advised of and waives the right to a separate and conflict-free attorney / interpreter for this court appearance.
☐ Defendant duly arraigned and advised of the constitutional and statutory rights as indicated on the reverse side of this minute order.
☐ Acknowledgment of advisal of constitutional rights signed and filed. ☐ Defendant has received copy of complaint.
☐ Defendant waives reading of complaint. ☐ Def. states true name is ☐ on complaint (line)
☐ DEFENDANT PLEADS NOT GUILTY and denies any prior/allegations/separate convictions alleged ☐ on amended complaint.
☐ Defendant WAIVES: ☐ time for speedy trial ☐ 10 day/60 day statutory time for preliminary hearing ☐ personal presence ☐ per PC977
☐ bail review ☐ jury trial ☐ preliminary hearing

COUNSEL ☐ MOTION FOR APPOINTED ATTORNEY ☐ Granted ☐ Public Defender ☐ Alternate Public Defender ☐ Office of Assigned Counsel
Atty: ☐ Denied ☐ Referred to Near Indigent Panel ☐ Defendant to retain counsel.
☐ Motion for self-representation is ☐ granted ☐ denied. ☐ Faretta/Lopez Waiver signed & filed. ☐ OAC appointed - legal runner/reasonable ancillary services.

CONVICTION ☐ Def. is sworn and examined. ☒ Defendant withdraws any previously entered plea.
DEFENDANT PLEADS: ☒ GUILTY ☐ NO CONTEST to: HS11377(A) 17(b)4 ☐ VC23152(a) / (b)
☐ Admits ☐ separate conviction(s) alleged/
☐ Charges contained in amended/amendment to complaint. ☐ VC23103(a) per 23103.5 ☐ as a lesser included offense of
☐ On motion of Court/People/Defendant remaining count(s) is/are DISMISSED. Allegation(s)/Prior(s) remaining is/are STRICKEN ☐ FOJ ☐ VOP
☐ Plea form executed and filed ☐ People vs. West ☐ BAC.
☒ Court finds a knowing and intelligent waiver of constitutional rights and factual basis for the plea.
☐ ADVISALS: ☐ Theft - PC666 ☐ DUI - VC23593
☐ WAIVERS: ☐ Arbutkie ☐ Blakely ☐ Cruz ☐ Harvey ☐ Non-Biological Evidence Disposal ☐ Time for sentencing, see JUDGMENT MINUTES.
☐ PC1210 ☐ Drug Court ☐ accepted ☐ declined.
☐ Stipulated bindover. ☐ Case certified as a general jurisdiction matter. ☐ Complaint deemed the Information.

MOTION for ☐ by ☐ People ☐ Defendant ☐ with ☐ without objection ☐ GRANTED ☐ DENIED.
PC1000 ☒ Defendant's motion for ☐ reinstatement to ☒ PC1000 granted as to count(s) 1 for 18 mo/ yrs. ☒ New term
☐ Time waived for sentencing ☐ S.D. Rescue Mission Program ☒ Enroll by PER 000 Comply with all directions of Assessor.
☐ \$ 300. - DEJ Admin Fees (PC1001.15(a) and PC1001.90) ☐ Forthwith ☐ By CTS \$ 300.
☐ Defendant has satisfactorily COMPLETED the DEJ Program, previously entered plea to count(s) set aside and charges dismissed.
☐ Defendant has FAILED to satisfactorily perform in the DEJ Program. ☐ PC1000 set aside and any unpaid fees pertaining thereto deleted.
☐ Court makes a finding of guilt to the charge(s) pled. ☐ Time waived for sentencing, see JUDGMENT.

REFERRALS Report ☒ forthwith ☐ by ☐ to ☐ Assessment Unit ☐ Probation Department ☐ Probation to Interview.
☐ Pre-sentence ☐ Mini ☐ Supplemental ☐ Psych. ☐ Limited re: Drugs / Alcohol / Domestic Violence / Anger Management / Restitution Report Ordered.
☐ Pre-sentence report waived. ☐ Court Collections for payment of attorney fees * \$ ☐ Indigent as to attorney fees.
The court finds that the defendant has the ability to repay the County of San Diego for the costs of court appointed attorney fees.

HEARINGS Self/continued on motion of ☐ People ☐ Defense ☐ Opposed ☐ Unopposed ☐ By Stipulation, ☐ Statutory time is WAIVED
DEFENDANT IS ORDERED TO APPEAR for ☐ on ☐ at ☐ in Dept. ☐
☐ Re: Attorney ☐ at ☐ in Dept. ☐ Motion/PC1538.5 ☐ at ☐ in Dept. ☐
☐ Arraignment ☐ at ☐ in Dept. ☐ Jury / Court Trial ☐ at ☐ in Dept. ☐
☐ Bail Review ☐ at ☐ in Dept. ☐ Sentencing ☐ at ☐ in Dept. ☐
☐ Readiness/DWT ☐ at ☐ in Dept. ☐ Prob. Hrg. & Sent ☐ at ☐ in Dept. ☐
☐ Prelim Exam ☐ at ☐ in Dept. ☐ DEJ ☐ Drug Ct ☐ at ☐ in Dept. ☐
Time Estimate: hr/day Set with case(s): ☐ to trail for revocation

MENTAL HEALTH ☐ Proceedings suspended pursuant to PC1368. Mental competency examination on ☐ at ☐ by Forensic
Psychiatry Clinic. Females - Room 1003, Central Division; Males - Central Detention Facility. Hearing on ☐ at ☐ in Dept. ☐ of the
Central Division. ☐ The Sheriff is ordered to transport the defendant to and from the examination and hearing stated above.
OTHER ☐ Verbal notice of license suspension (DL 310) signed. ☐ Fingerprint form filed.
☐ Book & Release - Report on ☐ at ☐ to ☐ Central ☐ Vista ☐ Las Colinas Detention Facility.

SAAV to monitor

CUSTODY STATUS Defendant ☐ REMANDED to custody of Sheriff ☐ without bail ☐ with bail set at / increased to / reduced to \$
☐ PC1275.1 HOLD. ☐ Pre-Trial Services Report Ordered re: SOR
☐ REMAINS AT LIBERTY ☐ RELEASED: ☐ on bail previously posted. ☐ after booking ☒ DEJ ☐ OR ☐ SUPERVISED OR - comply with P.T.S. conditions
☐ same terms and conditions ☐ to an authorized representative of: ☐ on ☐ at ☐
☐ Release Conditions: ☐ Attend ☐ self-help mtgs. per week and submit proof at each court hearing. ☐ Abstain from alcohol.
☐ Not use or possess any controlled substances without a valid prescription. ☐ Not possess narcotic paraphernalia.
☐ Def. waives 4th amendment rights and agrees to submit person, vehicle, place of residence, property, personal effects to search at any time with or without a
warrant, and with or without reasonable cause, when required by a Probation Officer or other law enforcement officer ☐ until revoked ☐ for the duration of
deferred entry of judgment. ☐ Have no contact with / stay away from: ☐ Protective Order issued.
☐ Previously ordered: ☐ 4th WAIVER ☐ continues ☐ deleted. ☐ PROTECTIVE ORDER ☐ continues ☐ deleted.

WARRANT ☐ Arrest ☐ Bench ☐ Warrant ordered ☐ Bail set at \$ ☐ No Bail ☐ ISSUED ON:
☐ Schedule for hearing. ☐ Mandatory appearance. ☐ Night service authorized. ☐ Cash bail may be forfeited. ☐ HOLD issuance to DATE SET ABOVE.
☐ Warrant previously ordered/issued ☐ remains outstanding ☐ rescinded ☐ RECALLED ON:
☐ Affidavit requested. Due by:
BAIL is ☒ exonerated ☐ forfeited ☐ Fine from bail, refund balances. ☐ Declaration of non-collusion/ re-assumption of liability filed.
☐ Bail forfeiture is set aside and bond is ☐ reinstated ☐ exonerated ☐ upon payment of court cost \$ ☐ within 30 days ☐ cost waived
☐ Bond #: ☐ Bond \$ ☐ Bond Co.

ATTEST A TRUE COPY, Clerk of the Superior Court by ☐ Deputy
Distribution by: CB on 10/19/11 to: Jd (Def) Atty. Pros. Prob. R&R Interpreter Accl. Assessment Other.
SDSC CRN-150 (Rev 11/10) MISDEMEANOR/FELONY - PRE-DISPOSITION MINUTES

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
☐ Central Division ☐ East County Division ☒ North County Division ☐ South County Division
Waivers: ☐ Time ☐ 4th
PEOPLE vs. [REDACTED] STATUS: Bond 5,000 ☒ BB ☐ CB (Y/N)
CASE # [REDACTED] PROS. # [REDACTED] DOB: [REDACTED] BKG # [REDACTED] CTS: 4 days 10 hrs.
DATE: 10-13-11 AT 01:30 PT. # 014 INTERP: [REDACTED] ☐ Spanish ☐ Sworn ☐ Oath on File
JUDGE/COMMITTEE JUDGE: MARSHALL Y. HOCKETT ☐ STIP. FILED ☐ REPORTED ☐ NON-SUIT ☐ DISMISSAL
CLERK: [Signature] CSR # / COUNTER #: _____

CHARGE(S): HS11377(A) 6TH DAY
FUTURE DATES: FR 10-19-11 PF 10-24-11 ☒ CONFIRMED ☐ VACATED
C. VUG P.D. 4B 57-63 50

Attorney for the People (DDA/ESA/BAG): ☐ Supervised Cert. Legal Intern
Attorney for Defendant (PD/APD/OAC/Retained/Counseling): ☐ Supervised Cert. Legal Intern
DEFENDANT: ☐ PRESENT ☐ VIA AUDIO VIDEO ☐ SELF REPRESENTED ☒ NOT PRESENT ☐ NOT PRODUCED ☐ FAILED TO APPEAR
Case called for ☐ FTA ☐ Arraignment ☒ Bail Review ☐ Readiness/DWT ☐ Jury Trial ☐ Preliminary Examination ☐ Motion
☐ DEJ ☐ Full ☐ Limited Protective Order Expires: _____ Protected Party: _____
☐ Warrant Ordered/Issued on _____ ☐ Held to today ☐ Cleared ☐ Outstanding.

CASE TRANSFERRED TO DEPT. _____ TIME ESTIMATE: _____
Complaint amended ☐ by interlineation to read:
☐ Amended ☐ Amendment to ☐ complaint filed ☐ charging ☐ adding ☐ VC23103 (a) pursuant to VC23103.5 ☐ VC22107, VC21658(a), PC647(f)
☐ as INFRACTION(S) pursuant to PC17(d)(2). ☐ other: _____
☐ Defendant advised of and waives the right to a separate and conflict-free attorney / interpreter for this court appearance.
☐ Defendant duly arraigned and advised of the constitutional and statutory rights as indicated on the reverse side of this minute order.
☐ Acknowledgment of advisal of constitutional rights signed and filed. ☐ Defendant has received copy of complaint.
☐ Defendant waives reading of complaint. ☐ Def. states true name is _____ ☐ on complaint _____ line)
☐ DEFENDANT PLEADS NOT GUILTY and denies any priors/allegations/separate convictions alleged ☐ on amended complaint.
☐ Defendant WAIVES: ☐ time for speedy trial ☐ 10 day/60 day statutory time for preliminary hearing ☐ personal presence ☐ per PC977
☐ bail review ☐ jury trial ☐ preliminary hearing

COUNSEL ☐ MOTION FOR APPOINTED ATTORNEY ☐ Granted ☐ Public Defender ☐ Alternate Public Defender ☐ Office of Assigned Counsel
Atty: ☐ Motion for self-representation is ☐ granted ☐ denied. ☐ Faretta/Lopez Waiver signed & filed. ☐ OAC appointed - legal runner/reasonable ancillary services.
CONVICTION ☐ Def. is sworn and examined. ☐ Defendant withdraws any previously entered plea.

DEFENDANT PLEADS: ☐ GUILTY ☐ NO CONTEST to: _____ ☐ VC23152(a) / (b)
☐ Admits _____ separate conviction(s) alleged/
☐ Charges contained in amended/amendment to complaint. ☐ VC23103(a) per 23103.5 ☐ as a lesser included offense of _____
☐ On motion of Court/People/Defendant remaining count(s) _____ is/are DISMISSED. Allegation(s)/Prior(s) remaining is/are STRICKEN ☐ FOJ ☐ VOP
☐ Plea form executed and filed ☐ People vs. West ☐ BAC: _____
☐ Court finds a knowing and intelligent waiver of constitutional rights and factual basis for the plea.
☐ ADVISALS: ☐ Theft - PC666 ☐ DUI - VC23593
☐ WAIVERS: ☐ Arbuckle ☐ Blakely ☐ Cruz ☐ Harvey ☐ Appeal Rights ☐ Non-Bio. Evidence Disposal ☐ Time for sentencing, see JUDGMENT MINUTES.
☐ PC1210 ☐ Drug Court ☐ accepted ☐ declined.
☐ Stipulated blindcover. ☐ Case certified as a general jurisdiction matter. ☐ Complaint deemed the Information.

MOTION for _____ by ☐ People ☐ Defendant ☐ with ☐ without objection ☐ GRANTED ☐ DENIED.
PC1000 ☐ Defendant's motion for ☐ reinstatement to ☐ PC1000 granted as to count(s) _____ for _____ mo./ yrs. ☐ New term
☐ Time waived for sentencing ☐ S.D. Rescue Mission Program ☐ Enroll by _____ Comply with all directions of Assessor.
☐ \$ _____ DEJ Admin Fees (PC1001.16(a) and PC1001.90) ☐ Forthwith ☐ By _____
☐ Defendant has satisfactorily COMPLETED the DEJ Program, previously entered plea to count(s) _____ set aside and charges dismissed.
☐ Defendant has FAILED to satisfactorily perform in the DEJ Program. ☐ PC1000 set aside and any unpaid fees pertaining thereto deleted.
☐ Court makes a finding of guilt to the charge(s) pled. ☐ Time waived for sentencing, see JUDGMENT.

REFERRALS Report ☐ forthwith ☐ by _____ to ☐ Assessment Unit ☐ Probation Department ☐ Probation to interview.
☐ Pre-sentence ☐ Mini ☐ Supplemental ☐ Psych. ☐ Limited re: Drugs / Alcohol / Domestic Violence / Anger Management / Restitution Report Ordered.
☐ Pre-sentence report waived. ☐ Court Collections for payment of attorney fees "\$ _____ ☐ Indigent as to attorney fees.
** The court finds that the defendant has the ability to repay the County of San Diego for the costs of court appointed attorney fees.

HEARINGS Set/continued on motion of ☐ People ☐ Defense ☐ Opposed ☐ Unopposed ☐ By Stipulation, ☐ Statutory time is WAIVED
DEFENDANT IS ORDERED TO APPEAR for ☐ _____ on _____ at _____ in Dept. _____
☐ Re: Attorney _____ at _____ in Dept. _____ ☐ Motion/PC1538.5 _____ at _____ in Dept. _____
☐ Arraignment _____ at _____ in Dept. _____ ☐ Jury / Court Trial _____ at _____ in Dept. _____
☐ Bail Review _____ at _____ in Dept. _____ ☐ Sentencing _____ at _____ in Dept. _____
☒ Readiness/DWT 10-19-11 at 830 in Dept. 6 ☐ Prob. Hrg. & Sent _____ at _____ in Dept. _____
☒ Prelim Exam 10-24-11 at 830 in Dept. 5 ☐ DEJ ☐ Drug Ct _____ at _____ in Dept. _____
☐ Time Estimate: _____ hr/day Set with case(s): _____ ☐ to fail for revocation

MENTAL HEALTH ☐ Proceedings suspended pursuant to PC1368. Mental competency examination on _____ at _____ by Forensic
Psychiatry Clinic. Females - Room 1003, Central Division; Males - Central Detention Facility. Hearing on _____ at _____ in Dept. _____ of the
Central Division. ☐ The Sheriff is ordered to transport the defendant to and from the examination and hearing stated above.

OTHER ☐ Verbal notice of license suspension (DL 310) signed. ☐ Fingerprint form filed.
☐ Book & Release - Report on _____ at _____ to ☐ Central ☐ Vista ☐ Las Colinas Detention Facility.

Def't banded out of custody - Court confirms all future dates

CUSTODY STATUS Defendant ☐ REMANDED to custody of Sheriff ☐ without bail ☐ with bail set at / increased to / reduced to \$ _____
☐ PC1275.1 HOLD. ☐ Pretrial Services Report Ordered re: SOR
☒ REMAINS AT LIBERTY ☒ RELEASED: ☐ on bail previously posted. ☐ after booking ☐ DEJ ☐ OR ☐ SUPERVISED OR - comply with P.T.S. conditions
☐ same terms and conditions ☐ to an authorized representative of: _____ on _____ at _____
☐ Release Conditions: ☐ Attend _____ self-help migs. per week and submit proof at each court hearing. ☐ Abstain from alcohol.
☐ Not use or possess any controlled substances without a valid prescription. ☐ Not possess narcotic paraphernalia.
☐ Def. waives 4th amendment rights and agrees to submit person, vehicle, place of residence, property, personal effects to search at any time with or without a warrant, and with or without reasonable cause, when required by a Probation Officer or other law enforcement officer ☐ until revoked. ☐ for the duration of deferred entry of judgment. ☐ Have no contact with / stay away from: _____ ☐ Protective Order issued.
☐ Previously ordered: ☐ 4th WAIVER ☐ continues ☐ deleted ☐ PROTECTIVE ORDER ☐ continues ☐ deleted.

WARRANT ☐ Arrest ☐ Bench ☐ Warrant ordered ☐ Bail set at \$ _____ ☐ No Bail ☐ ISSUED ON: _____
☐ Schedule for hearing. ☐ Mandatory appearance. ☐ Night service authorized. ☐ Cash bail may be forfeited. ☐ HOLD issuance to DATE SET ABOVE.
☐ Warrant previously ordered/issued ☐ remains outstanding ☐ rescinded ☐ RECALLED ON: _____
☐ Affidavit requested. Due by: _____

BAIL is ☐ exonerated ☐ forfeited ☐ Fine from bail, refund balance ☐ Declaration of non-collusion/ reassumption of liability filed.
☐ Bail forfeiture is set aside and bond is ☐ reinstated ☐ exonerated ☐ upon payment of court cost \$ _____ within 30 days ☐ cost waived
☐ Bond #: _____ Bond \$ _____ Bond Co. _____

Date: _____ ATTEST A TRUE COPY, Clerk of the Superior Court by _____ Deputy

Distribution by: _____ on _____ to: Jail Def. Atty. Pros. Prob. R&R Interpreter Acct. Assessment Other: _____

SUI COURT OF CALIFORNIA, COUNTY OF S: EGO
☐ Central Division ☐ East County Division ☒ North County Division ☐ South County Division
PEOPLE vs. [REDACTED] STATUS: cust ☐ BB ☐ CB (Y/N)
CASE # [REDACTED] ROS # [REDACTED] DOB [REDACTED] KG # [REDACTED] CTS: _____ days _____ hrs.
DATE: 10-11-11 AT 1:30 DEPT. # 14 INTERP: _____ ☐ Spanish ☐ Sworn ☐ Oath on File
JUDGE/COMMITTEE/JUDGE: MARSHALL Y. HOCKETT ☐ STIP. FILED REPORTED BY: Carmona CSF 18292
CLERK: Emore CSR # / COUNTER #: _____

CHARGE(S): 1) H811377(w)

FUTURE DATES: USA static ☐ CONFIRMED ☐ VACATED

Attorney for the People (DDA/BCA/DAG) ☐ Supervised Court Legal Intern Attorney for Defendant (PD/APD/OAC/Retained/Counselor) ☐ Supervised Court Legal Intern
DEFENDANT: ☒ PRESENT ☐ VIA AUDIO VIDEO ☐ SELF REPRESENTED ☐ NOT PRESENT ☐ NOT PRODUCED ☐ FAILED TO APPEAR

Case called for ☐ FTA ☒ Arraignment ☐ Bail Review ☐ Readiness/DWT ☐ Jury Trial ☐ Preliminary Examination ☐ Motion
☐ DEJ ☐ Full ☐ Limited Protective Order Expires: _____ Protected Party: _____
☐ Warrant Ordered/Issued on _____ ☐ Held to today ☐ Cleared ☐ Outstanding.

CASE TRANSFERRED TO DEPT. _____ TIME ESTIMATE: _____

Complaint amended ☐ by interlineation to read:
☐ Amended ☐ Amendment to ☐ complaint filed ☐ charging ☐ adding ☐ VC23103 (a) pursuant to VC23103.5 ☐ VC22107, VC21658(a), PC647(f)
as ☐ INFRACTION(S) pursuant to PC17(d)(2). ☐ other: _____
☒ Defendant advised of and waives the right to a separate and conflict-free attorney / interpreter for this court appearance.
☒ Defendant duly arraigned and advised of the constitutional and statutory rights as indicated on the reverse side of this minute order.
☒ Acknowledgment of advisal of constitutional rights signed and filed. ☐ Defendant has received copy of complaint.
☒ Defendant waives reading of complaint. ☐ Deft. states true name is _____ on complaint (____ line)
☒ DEFENDANT PLEADS NOT GUILTY and denies any prior/allegations/separate convictions alleged ☐ on amended complaint.
☐ DEFENDANT WAIVES: ☐ time for speedy trial ☐ 10 day/60 day statutory time for preliminary hearing ☐ personal presence ☐ per PC977
☐ bail review ☐ jury trial ☐ preliminary hearing

COUNSEL ☒ MOTION FOR APPOINTED ATTORNEY ☒ Granted ☐ Public Defender ☐ Alternate Public Defender ☐ Office of Assigned Counsel
Atty: ☐ Denied ☐ Referred to Near Indigent Panel ☐ Defendant to retain counsel.
☐ Motion for self-representation is ☐ granted ☐ denied. ☐ Faretta/Lopez Waiver signed & filed. ☐ OAC appointed - legal runner/reasonable ancillary services.

CONVICTION ☐ Deft. is sworn and examined. ☐ Defendant withdraws any previously entered plea.

DEFENDANT PLEADS: ☐ GUILTY ☐ NO CONTEST to: _____ ☐ VC23152(a) / (b)
☐ Admits _____ separate conviction(s) alleged/
Charges contained in amended/amendment to complaint. ☐ VC23103(a) per 23103.5 ☐ as a lesser included offense of _____
On motion of Court/People/Defendant remaining count(s) _____ is/are DISMISSED. Allegation(s)/Prior(s) remaining is/are STRICKEN ☐ FOJ ☐ VOP
Plea form executed and filed ☐ People vs. West ☐ BAC: _____
Court finds a knowing and intelligent waiver of constitutional rights and factual basis for the plea.
ADVISALS: ☐ Theft - PC666 ☐ DUI - VC23593
WAIVERS: ☐ Arbuckle ☐ Blakely ☐ Cruz ☐ Harvey ☐ Appeal Rights ☐ Non-Bio. Evidence Disposal ☐ Time for sentencing, see JUDGMENT MINUTES.
PC1210 ☐ Drug Court ☐ accepted ☐ declined.
☐ Stipulated blindfold. ☐ Case certified as a general jurisdiction matter. ☐ Complaint deemed the Information.

MOTION for OR release by ☒ People ☒ Defendant ☐ with ☐ without objection ☐ GRANTED ☒ DENIED.

PC1000 ☐ Defendant's motion for ☐ reinstatement to ☐ PC1000 granted as to count(s) _____ for _____ mo./ yrs. ☐ New term
☐ Time waived for sentencing ☐ S.D. Rescue Mission Program ☐ Enroll by _____ Comply with all directions of Assessor.
☐ \$ _____ DEJ Admin Fees (PC1001.16(a) and PC1001.90) ☐ Forthwith ☐ By _____
☐ Defendant has satisfactorily COMPLETED the DEJ Program, previously entered plea to count(s) _____ set aside and charges dismissed.
☐ Defendant has FAILED to satisfactorily perform in the DEJ Program. ☐ PC1000 set aside and any unpaid fees pertaining thereto deleted.
☐ Court makes a finding of guilt to the charge(s) pled. ☐ Time waived for sentencing, see JUDGMENT.

REFERRALS Report ☐ forthwith ☐ by _____ to ☐ Assessment Unit ☐ Probation Department ☐ Probation to interview.
☐ Pre-sentence ☐ Mini ☐ Supplemental ☐ Psych. ☐ Limited re: Drugs / Alcohol / Domestic Violence / Anger Management / Restitution Report Ordered.
☐ Pre-sentence report waived. ☐ Court Collections for payment of attorney fees ** \$ _____ ☐ Indigent as to attorney fees.
** The court finds that the defendant has the ability to repay the County of San Diego for the costs of court appointed attorney fees.

HEARINGS (set/continued on motion of ☐ People ☐ Defense ☐ Opposed ☐ Unopposed ☐ By Stipulation, ☐ Statutory time is WAIVED
DEFENDANT IS ORDERED TO APPEAR for ☐ _____ on _____ at _____ in Dept. _____
☐ Re: Attorney _____ at _____ in Dept. _____ ☐ Motion/PC1538.5 _____ at _____ in Dept. _____
☐ Arraignment _____ at _____ in Dept. _____ ☐ Jury / Court Trial _____ at _____ in Dept. _____
☒ Bail Review 10-13-11 at 1:30 in Dept. 14 ☐ Sentencing _____ at _____ in Dept. _____
☐ Readiness/DWT 10-19-11 at 1:30 in Dept. 6 ☐ Prob. Hrg. & Sent _____ at _____ in Dept. _____
☒ Prelim Exam 10-24-11 at 8:30 in Dept. 5 ☐ DEJ / Drug Ct _____ at _____ in Dept. _____
Time Estimate: hr/day Set with case(s): CB270135 ☐ to trail for revocation

MENTAL HEALTH ☐ Proceedings suspended pursuant to PC1368. Mental competency examination on _____ at _____ by Forensic
Psychiatry Clinic. Females - Room 1003, Central Division; Males - Central Detention Facility. Hearing on _____ at _____ in Dept. _____ of the
Central Division. ☐ The Sheriff is ordered to transport the defendant to and from the examination and hearing stated above.

OTHER ☐ Verbal notice of license suspension (DL 310) signed. ☐ Fingerprint form filed.
☐ Book & Release - Report on _____ at _____ to ☐ Central ☐ Vista ☐ Las Colinas ☐ Detention Facility.

CUSTODY STATUS Defendant ☒ REMANDED to custody of Sheriff ☐ without bail ☒ with bail (set at) increased to / reduced to \$ 5,000

☐ PC1275.1 HOLD. ☒ Pretrial Services Report Ordered re: SOR
☐ REMAINS AT LIBERTY ☐ RELEASED: ☐ on bail previously posted. ☐ after booking ☐ DEJ ☐ OR ☐ SUPERVISED OR - comply with P.T.S. conditions
☐ same terms and conditions ☐ to an authorized representative of: _____ on _____ at _____
☐ Release Conditions: ☐ Attend _____ self-help mtgs. per week and submit proof at each court hearing. ☐ Abstain from alcohol.
☐ Not use or possess any controlled substances without a valid prescription. ☐ Not possess narcotic paraphernalia.
☐ Deft. waives 4th amendment rights and agrees to submit person, vehicle, place of residence, property, personal effects to search at any time with or without a
warrant, and with or without reasonable cause, when required by a Probation Officer or other law enforcement officer ☐ until revoked. ☐ for the duration of
deferred entry of judgment. ☐ Have no contact with / stay away from: _____ ☐ Protective Order issued.
☐ Previously ordered: ☐ 4th WAIVER ☐ continues ☐ deleted ☐ PROTECTIVE ORDER ☐ continues ☐ deleted.

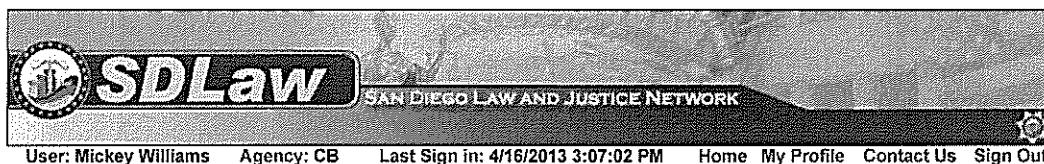
WARRANT ☐ Arrest ☐ Bench ☐ Warrant ordered ☐ Bail set at \$ _____ ☐ No Bail ☐ ISSUED ON: _____
☐ Schedule for hearing. ☐ Mandatory appearance. ☐ Night service authorized. ☐ Cash bail may be forfeited. ☐ HOLD issuance to DATE SET ABOVE.
☐ Warrant previously ordered/issued ☐ remains outstanding ☐ rescinded ☐ RECALLED ON: _____
☐ Affidavit requested. Due by: _____

BAIL is ☐ exonerated ☐ forfeited ☐ Fine from bail, refund balance. ☐ Declaration of non-collusion/ re-assumption of liability filed.
☐ Bail forfeiture is set aside and bond is ☐ reinstated ☐ exonerated ☐ upon payment of court cost \$ _____ within 30 days ☐ cost waived
☐ Bond #: _____ Bond \$ _____ Bond Co. _____

Date: _____ ATTEST A TRUE COPY, Clerk of the Superior Court by _____ Deputy
Distribution by: _____ on _____ to: _____ Atty. Pros. Prob. R&R Interpreter Acct. Assessment Other MS

INDEMNITOR/FELONY - PRE-DISPOSITION MINUTES

26



eJIMS Inmate Query Result

[New Search](#)

4/18/2013 6:10:00 AM

Notation:**CB = Cell Block, HT = Height, M = Middle Initial, R = Race, S = Sex, WT = Weight****Detention Facilities:**

CVPD = Chula Vista PD Detention Facility

DDF = ***** Descanso Detention Facility closed on 06/19/2009. *****

EMDF = East Mesa Detention Facility

GBDF = George Bailey Detention Facility

LCDF = Las Colinas Detention Facility

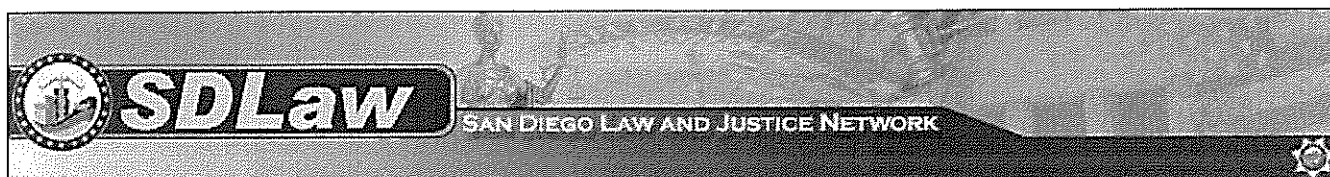
SBDF = South Bay Detention Facility

SDCJ = San Diego Central Jail

VDF = Vista Detention Facility

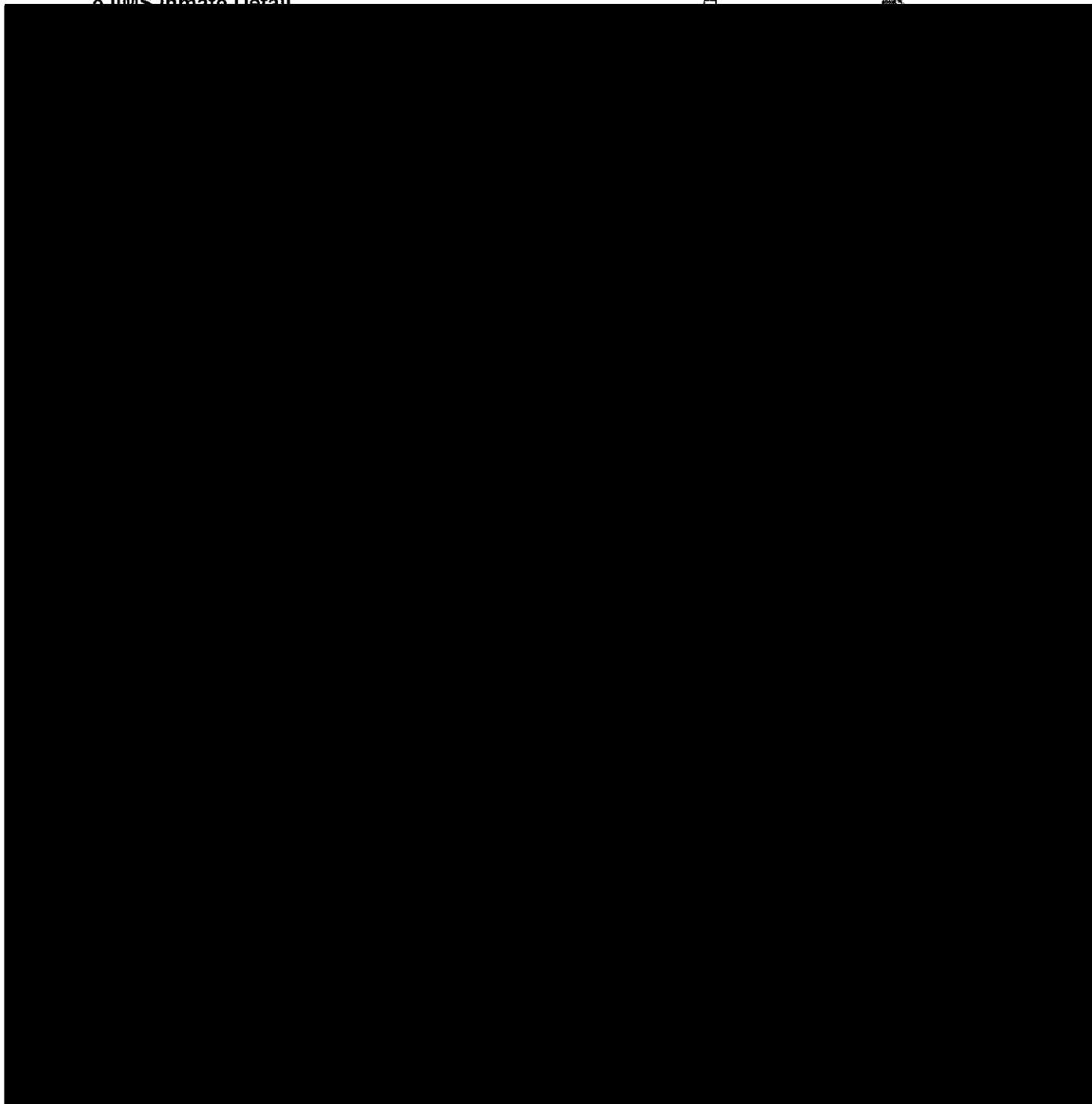
[New Search](#)

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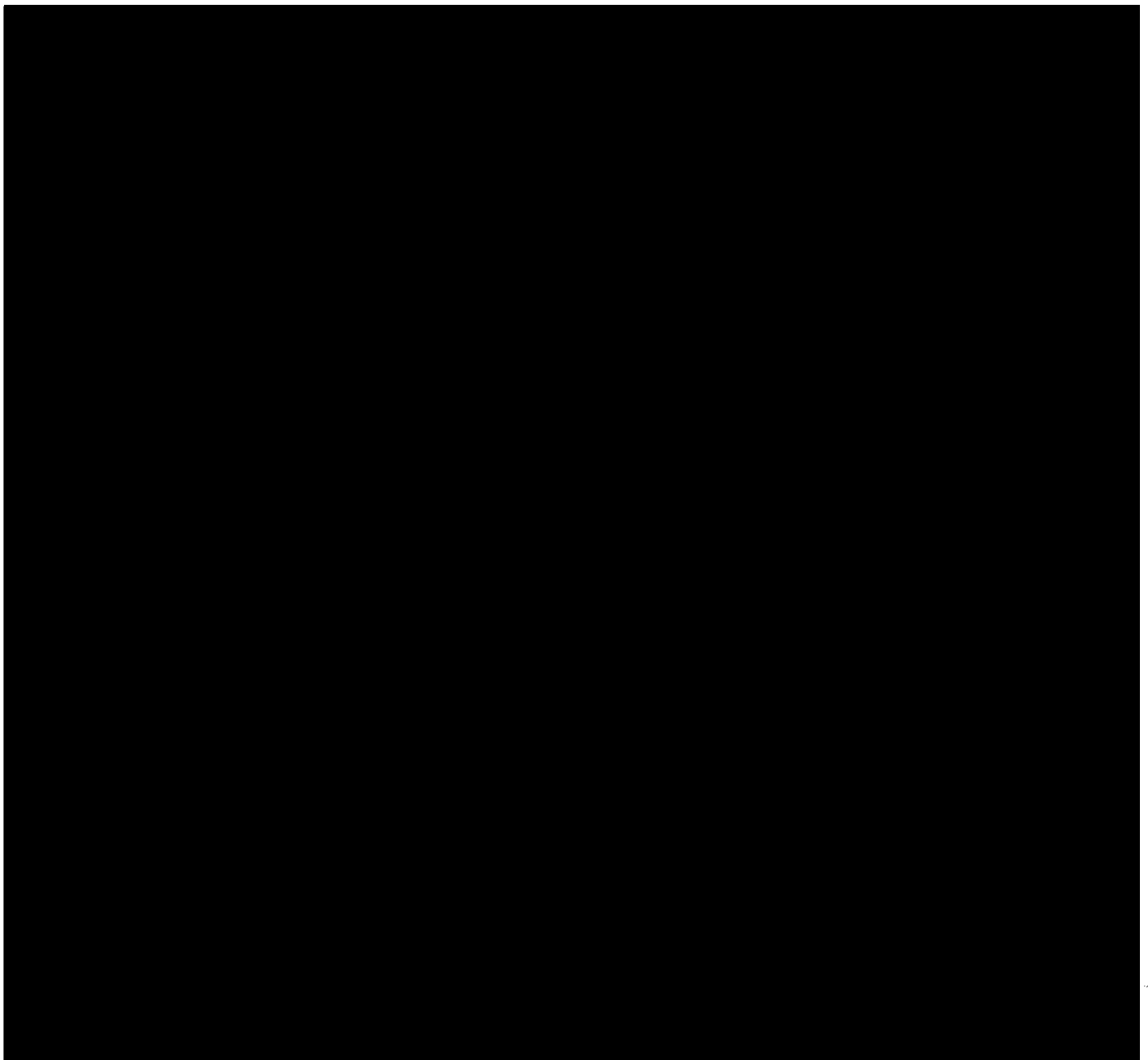
eJIMS Inmate Detail

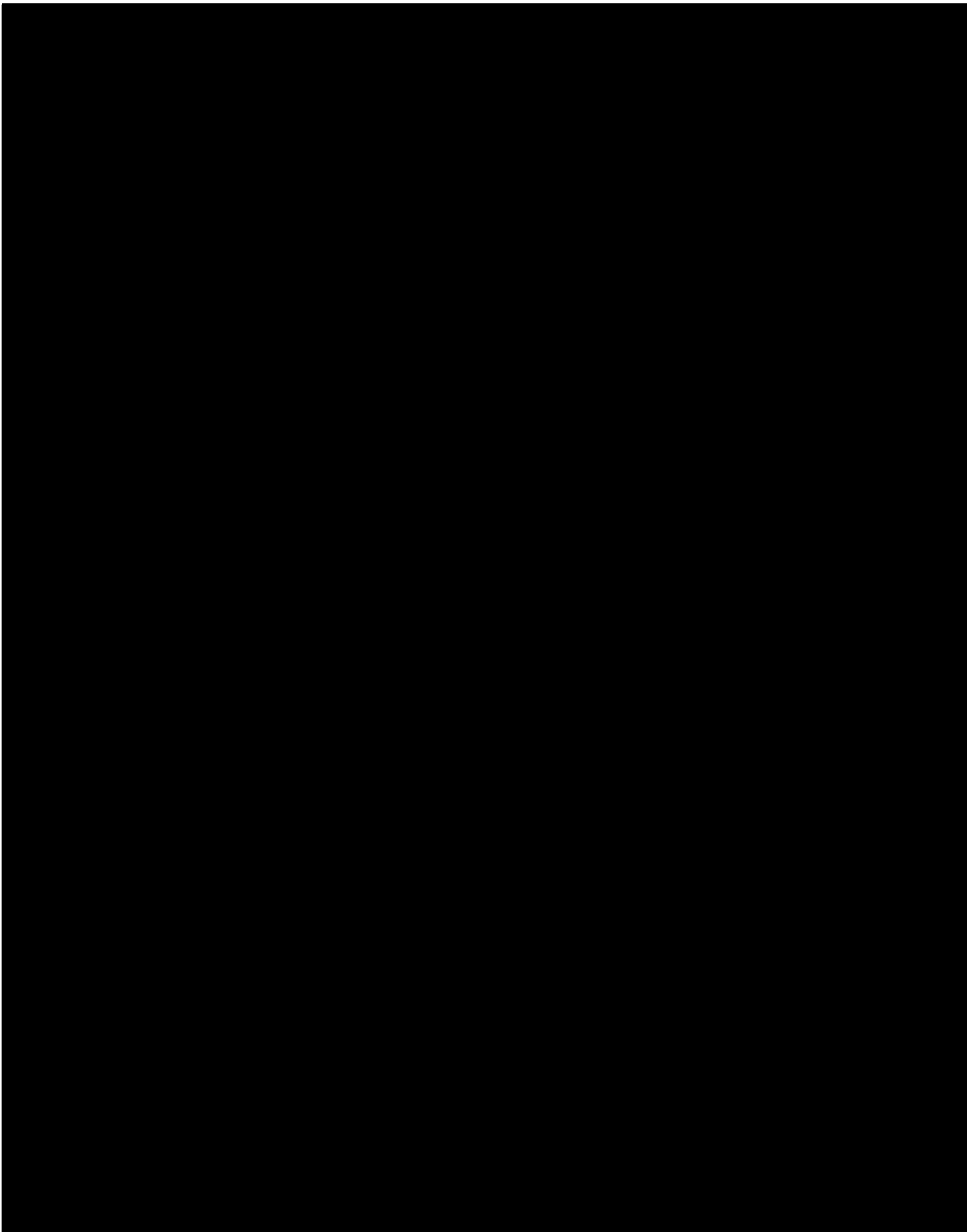


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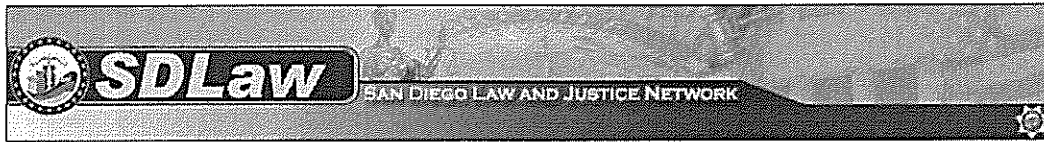
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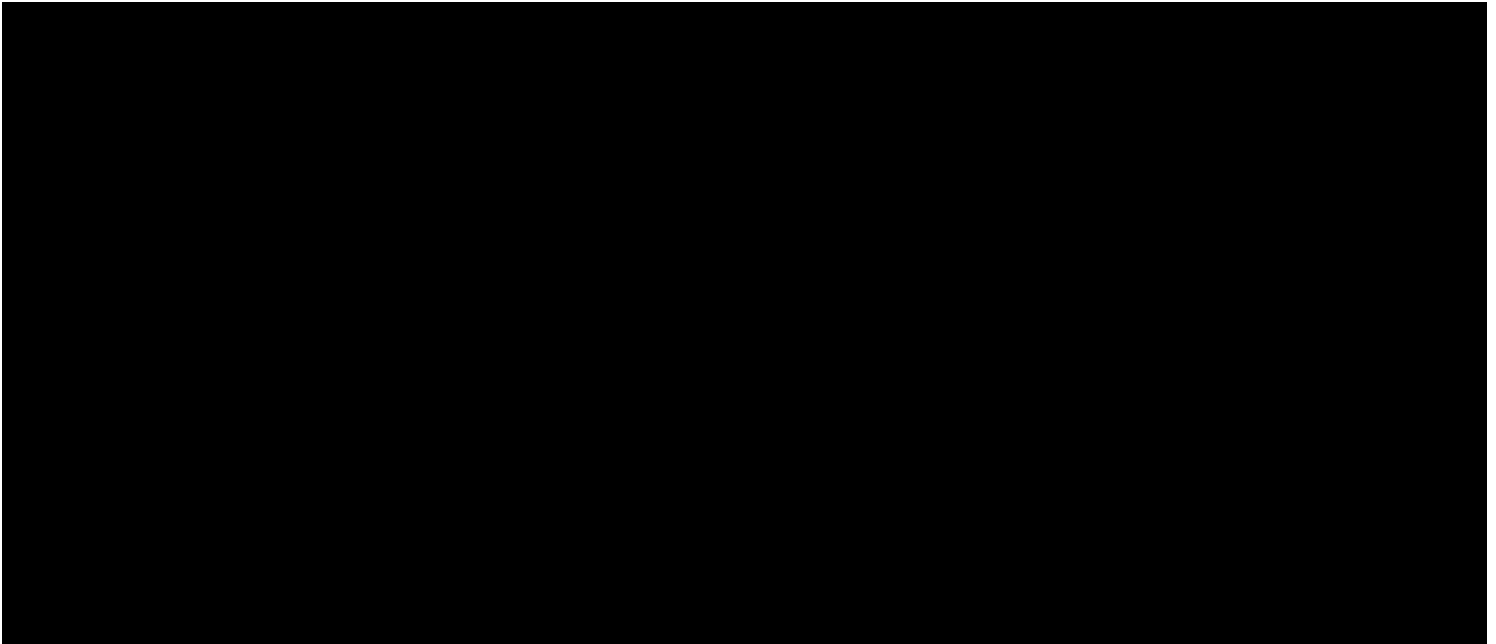
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eJIMS Inmate Booking History

[New Search](#)

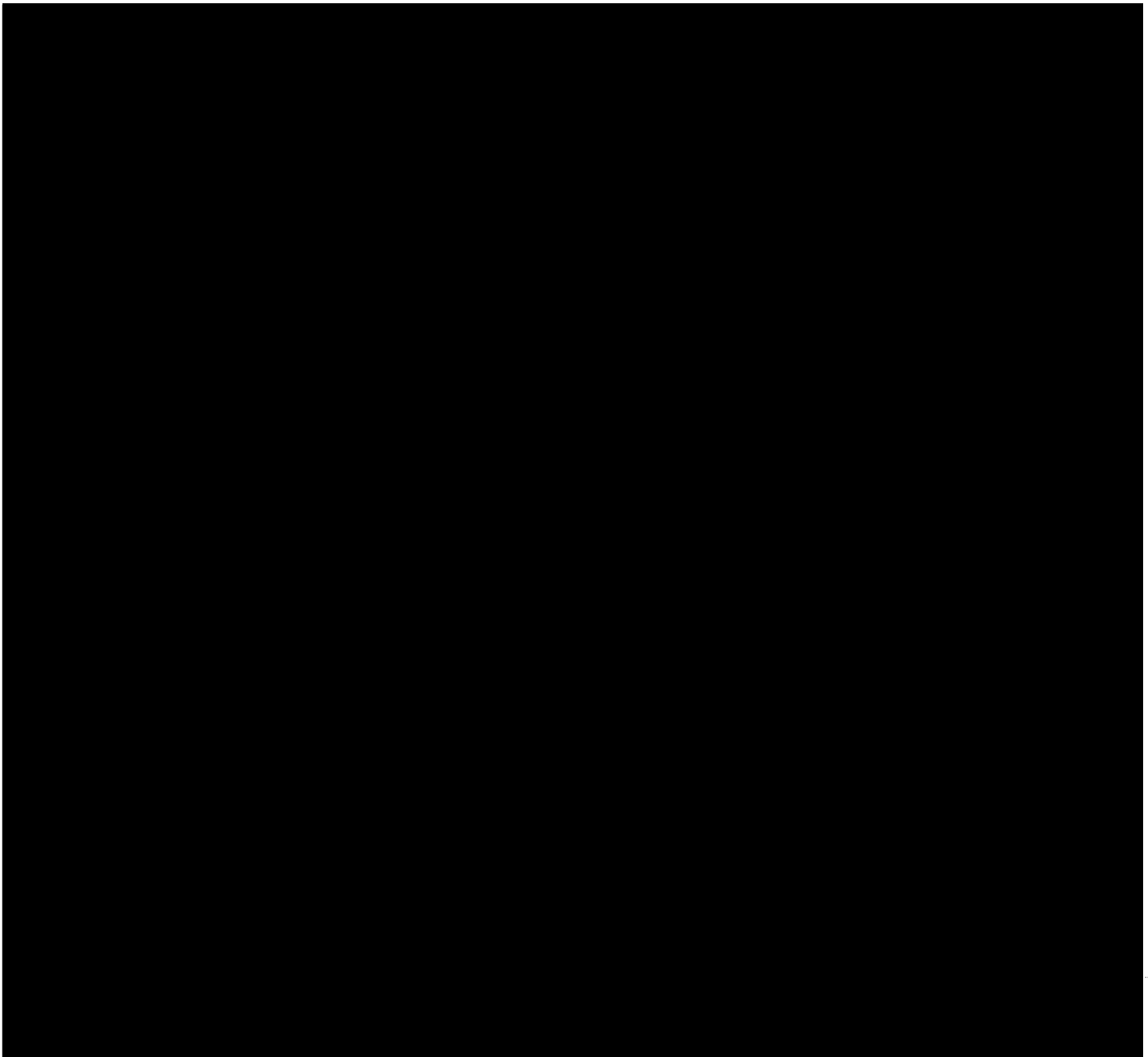
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[PDF Format](#)

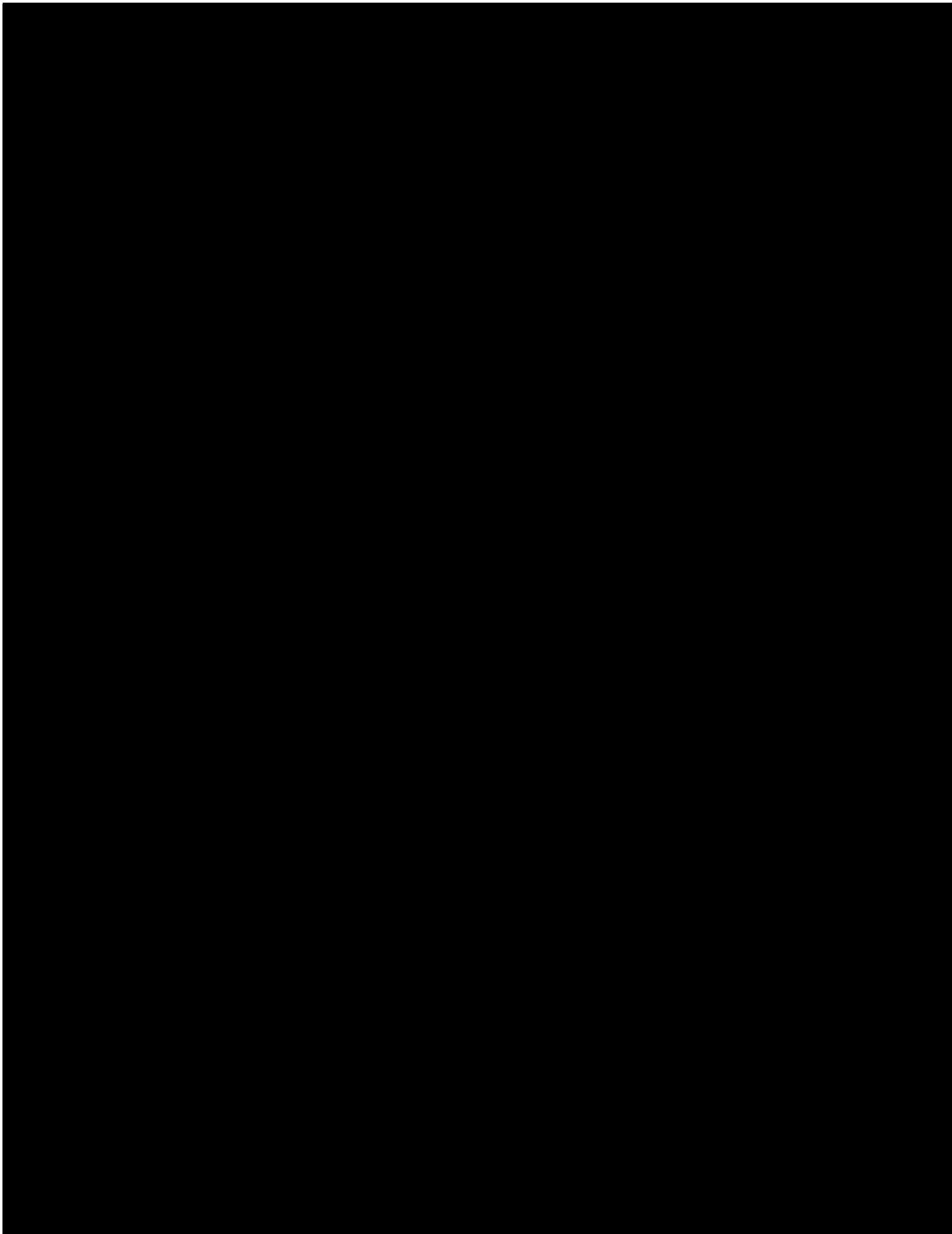


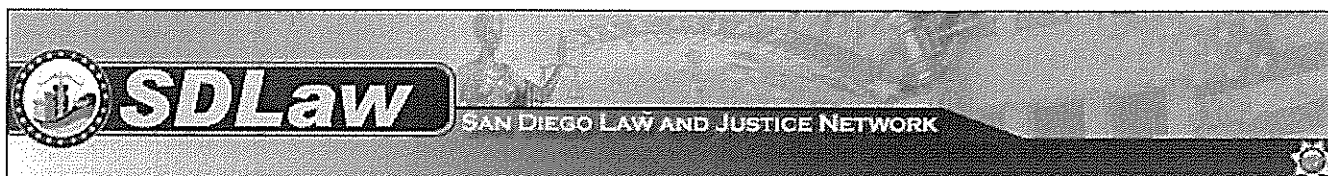
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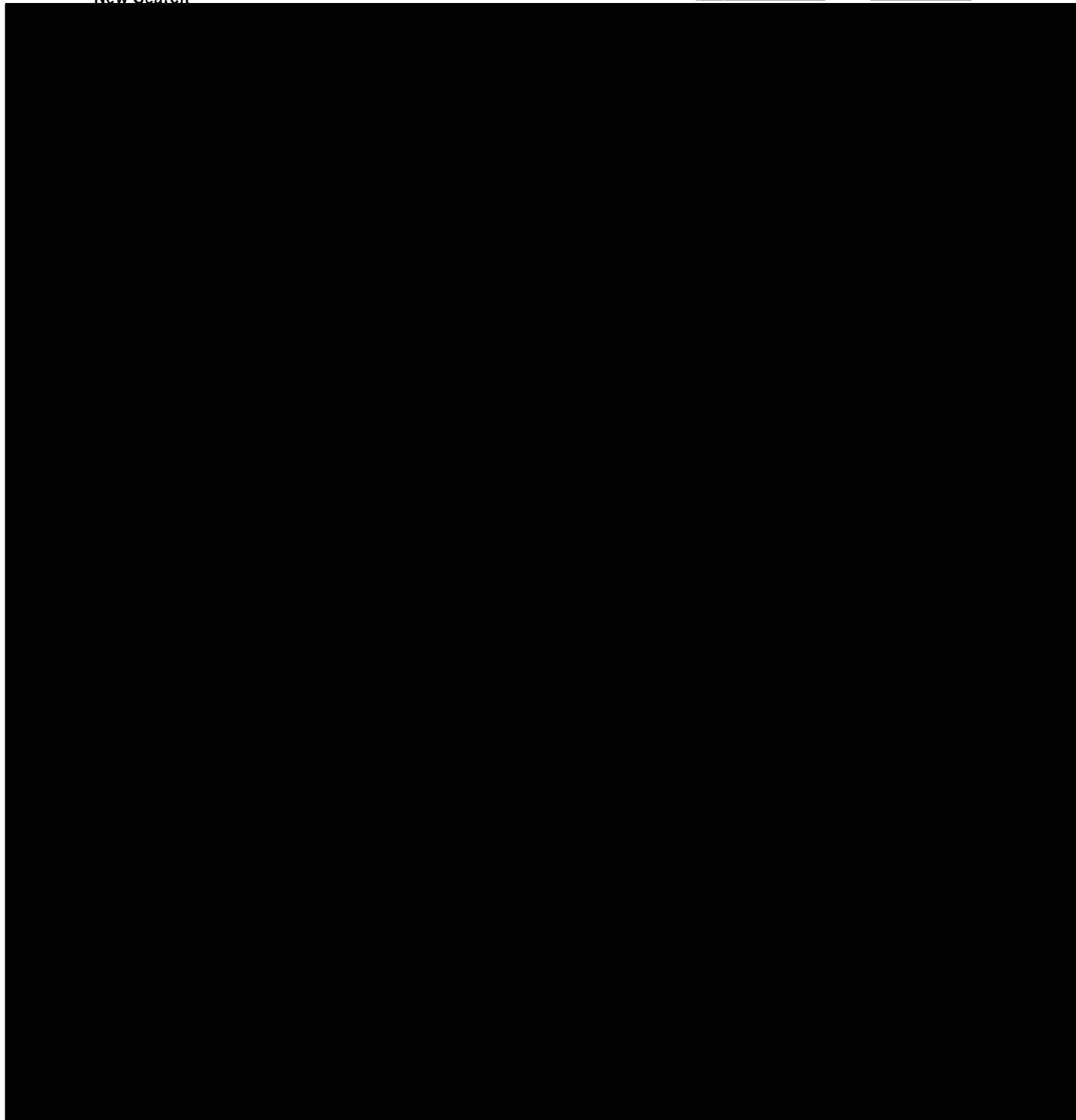
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eJIMS Inmate Detail

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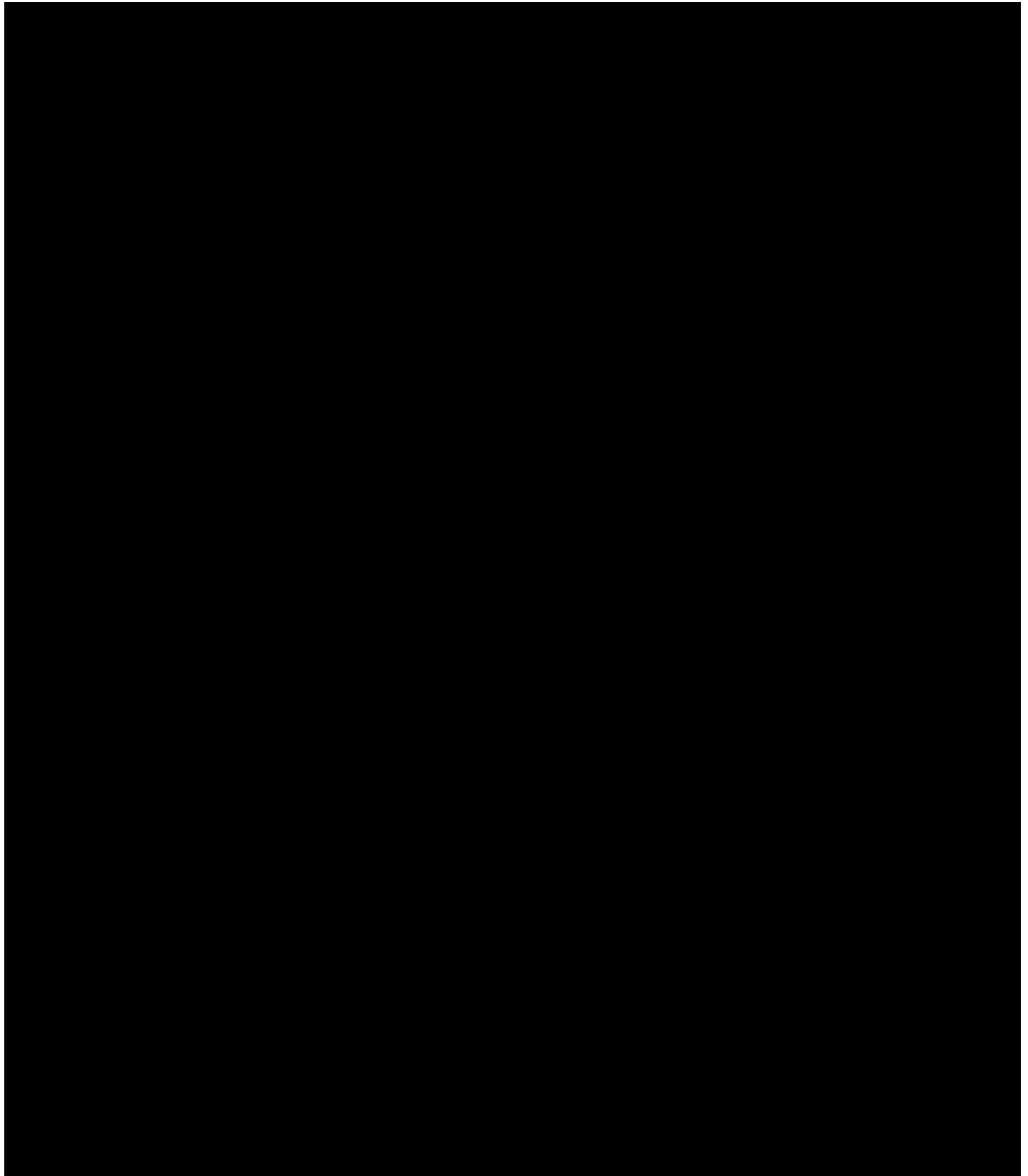
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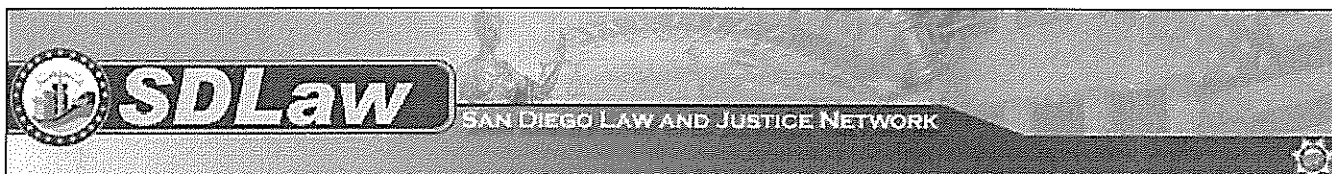


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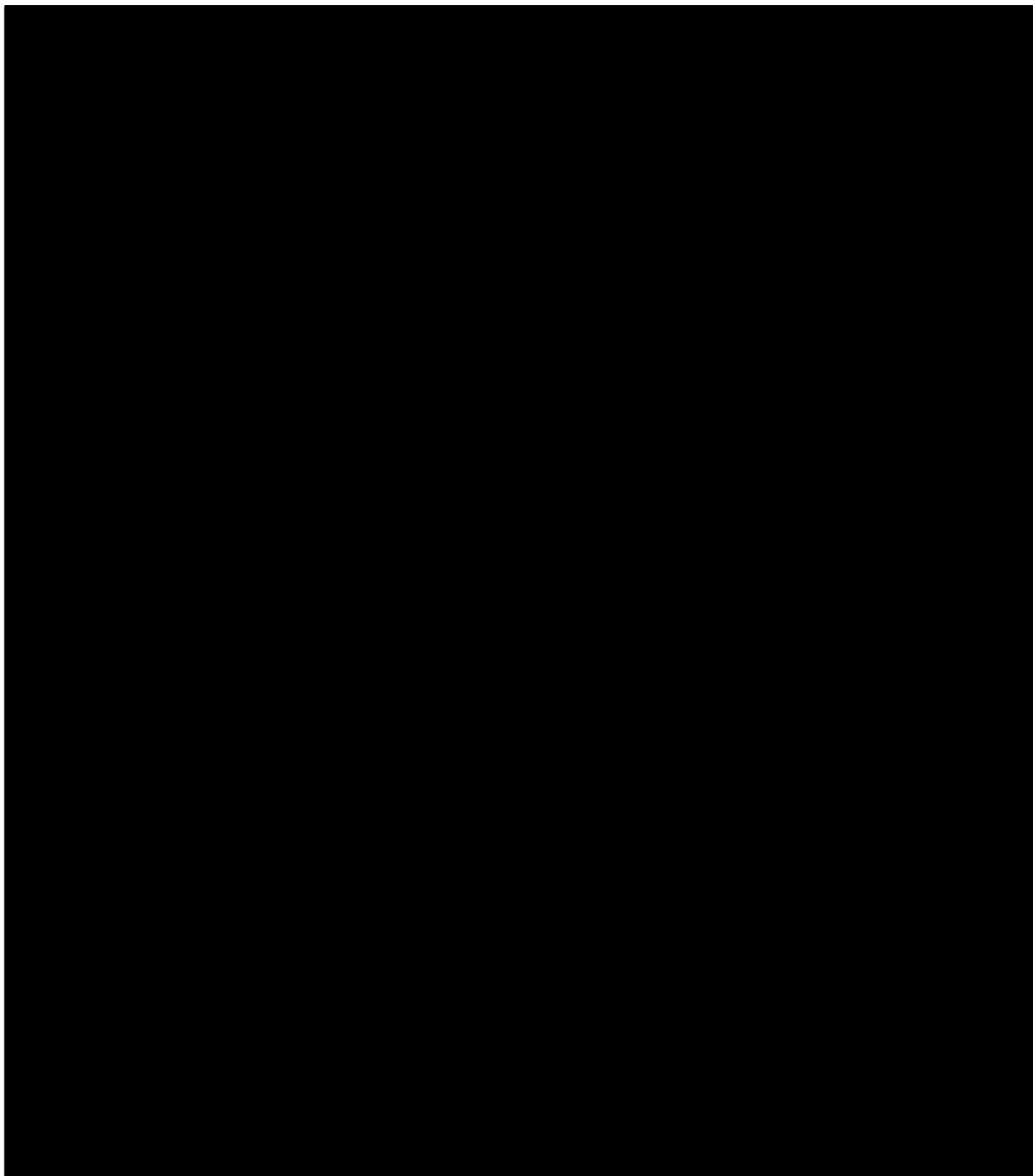


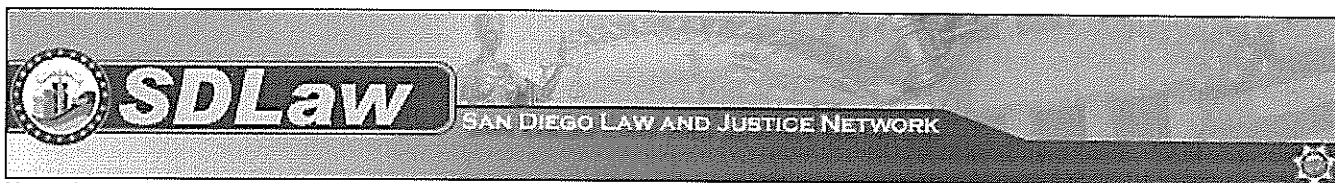


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County ID: CB5237 [Change Mainframe Password](#)

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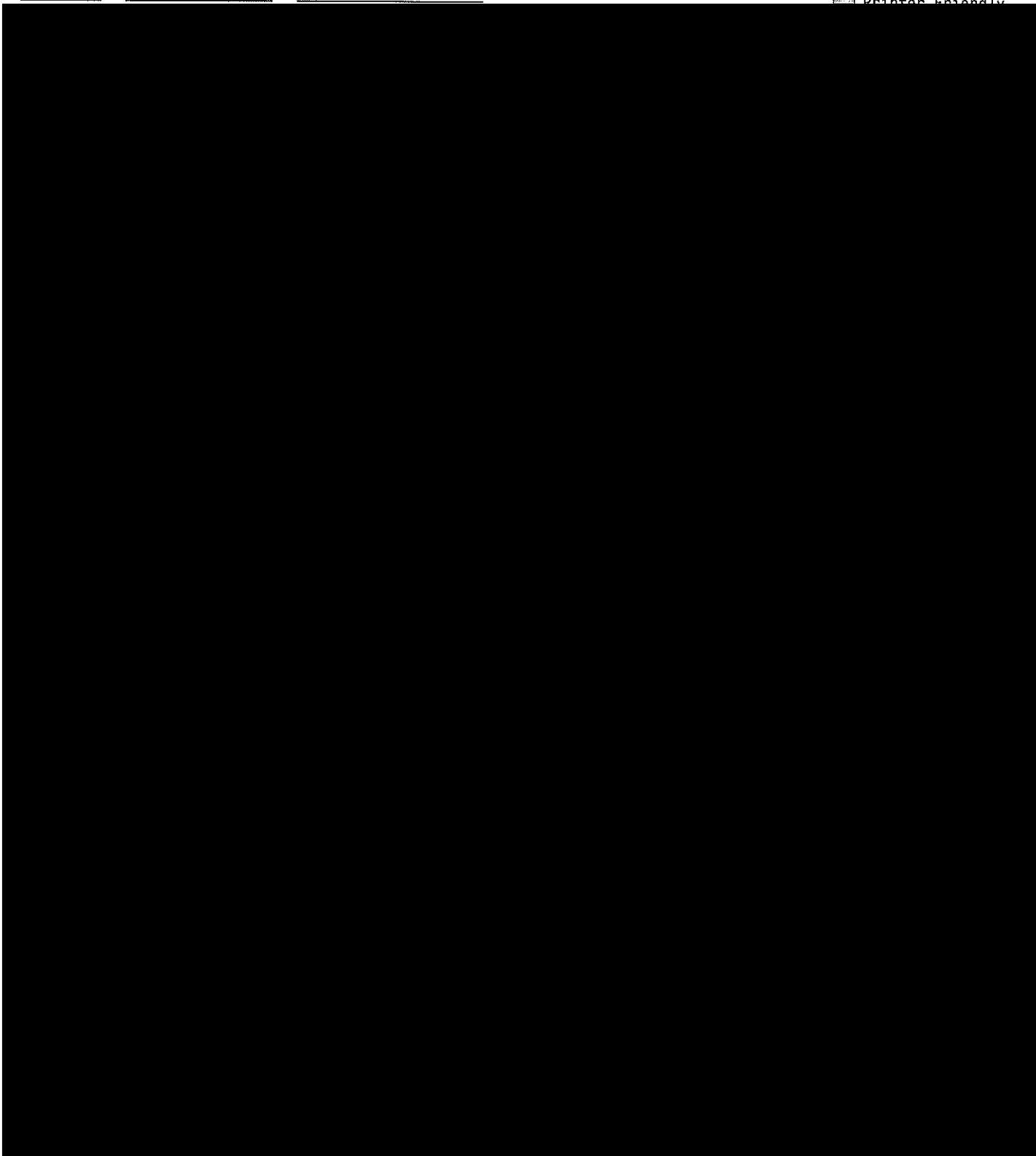




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27

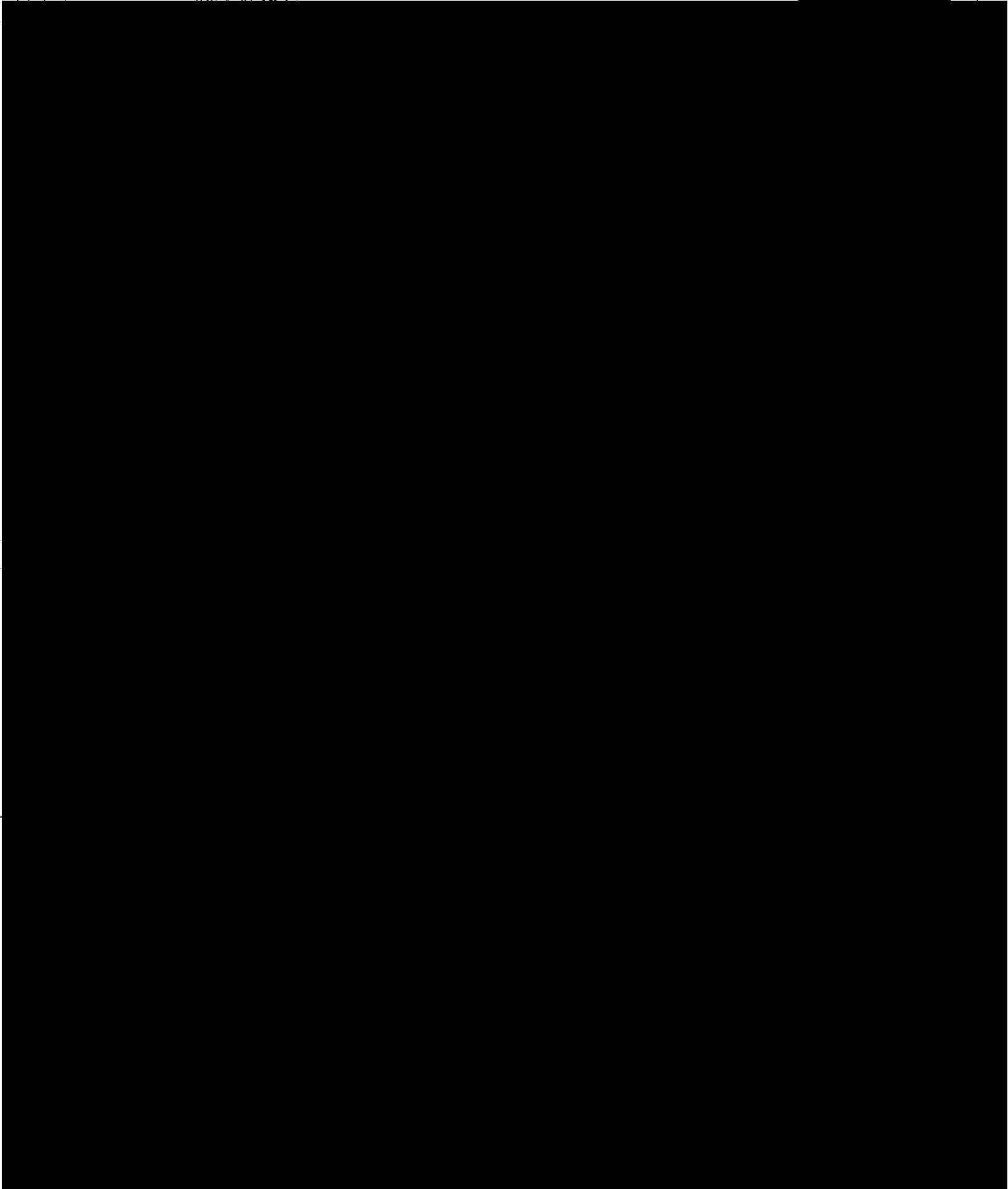
SAN DIEGO REGIONAL
ARREST/JUVENILE CONTACT REPORT

Bail
\$5,000.00

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--------------------------------------------	---------------

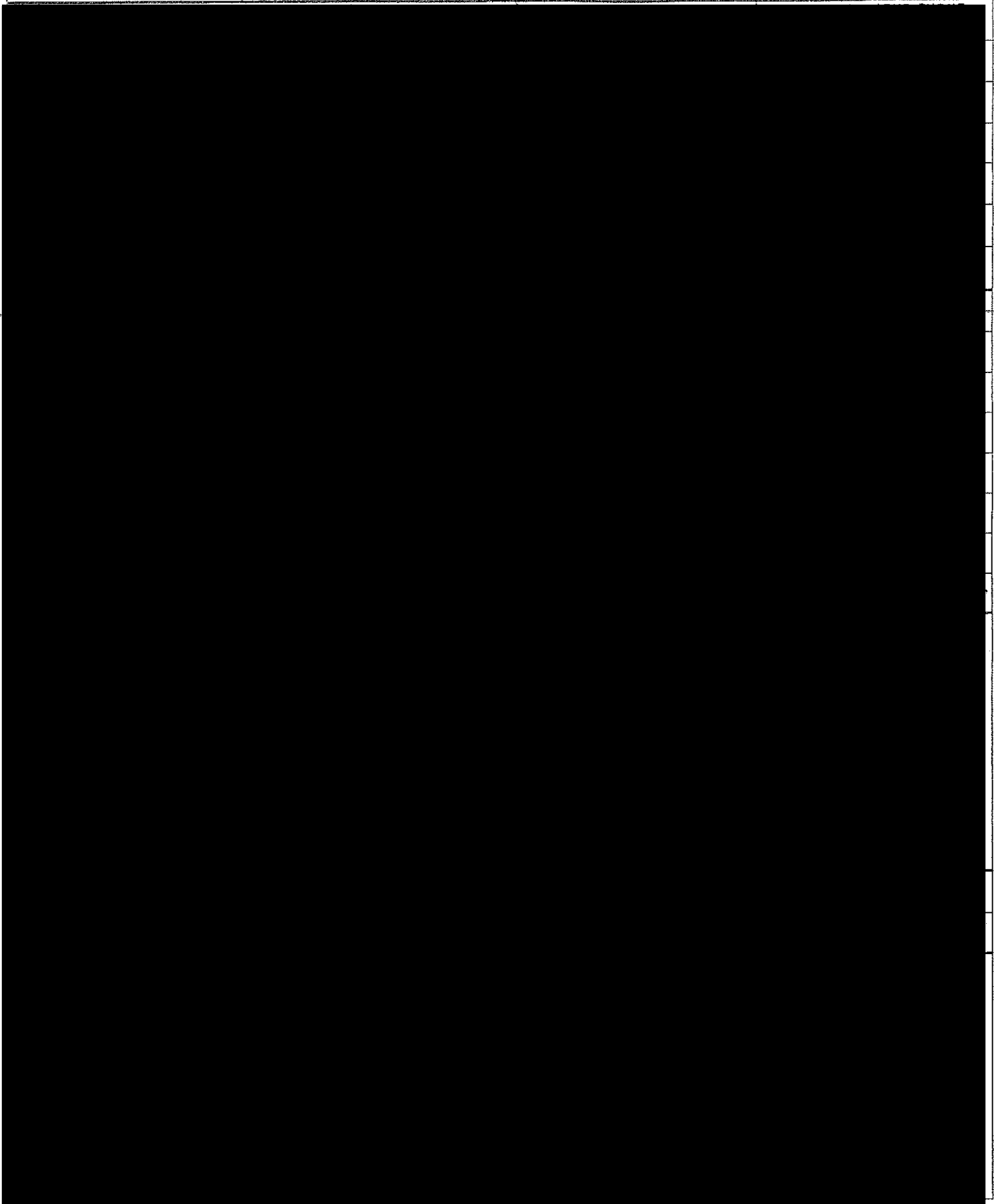
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CODE B: BLACK F: FILIPINO I: INDIAN L: LAOTIAN ISLANDER V: VIETNAMESE INDIAN
LEGEND C: CHINESE G: GUAMANIAN J: JAPANESE O: OTHER S: SAMOAN W: WHITE

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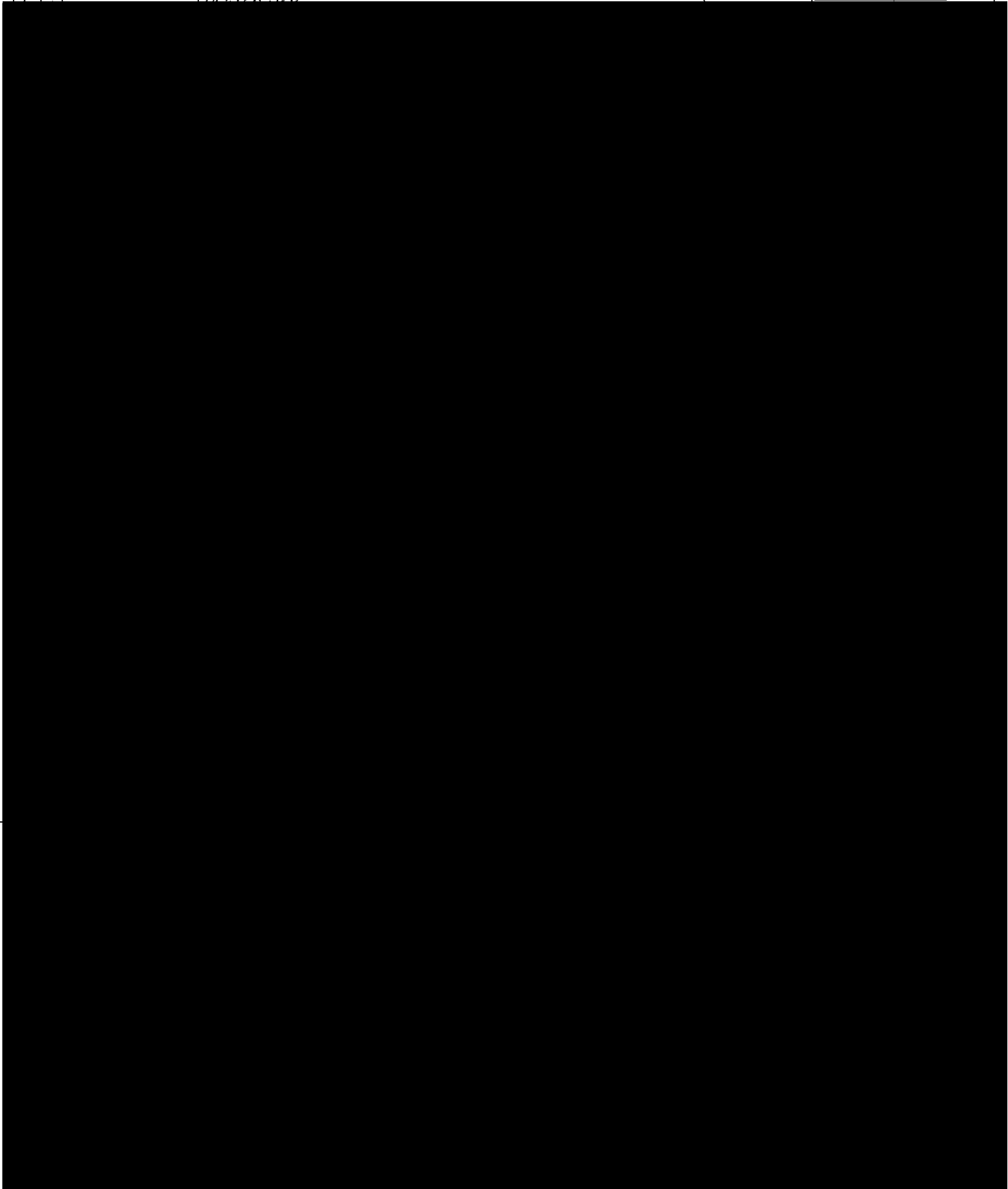
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SAN DIEGO REGIONAL
ARREST/JUVENILE CONTACT REPORT

Bail
\$0

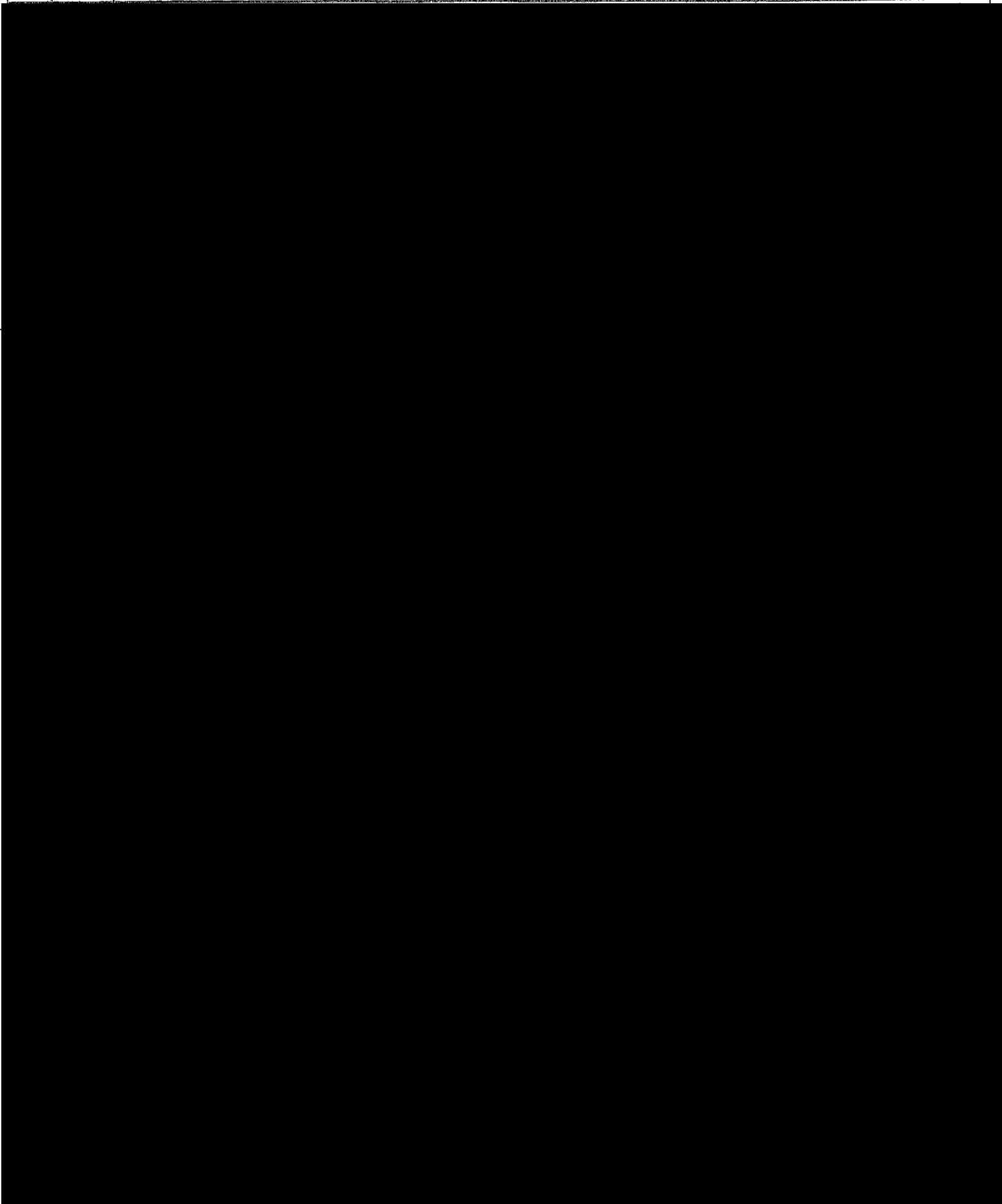
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CODE B= BLACK F= FILIPINO I= INDIAN L= LAOTIAN ISLANDER V= VIETNAMESE INDIAN
LEGEND C= CHINESE G= GUAMANIAN J= JAPANESE O= OTHER S= SAMOAN W= WHITE

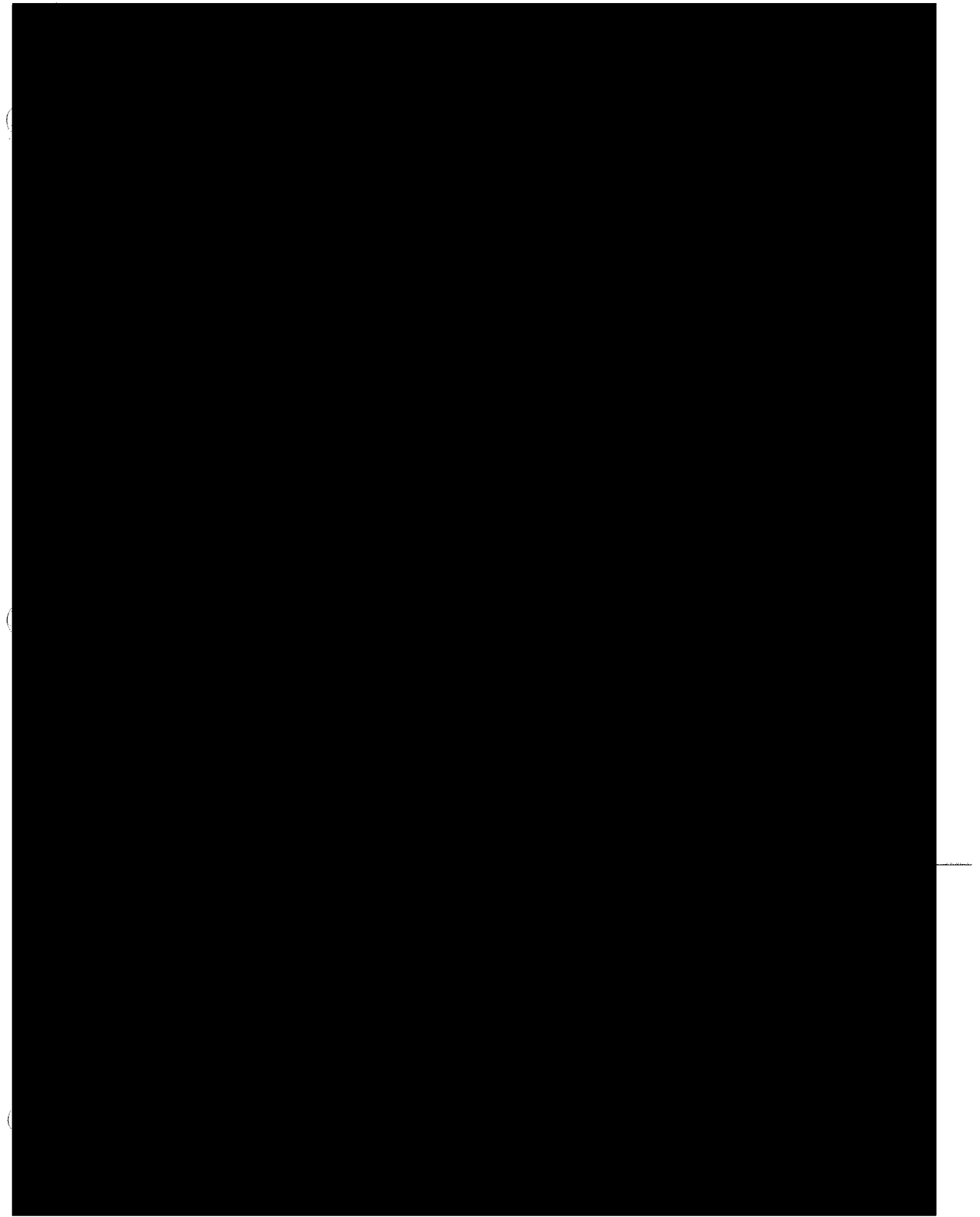
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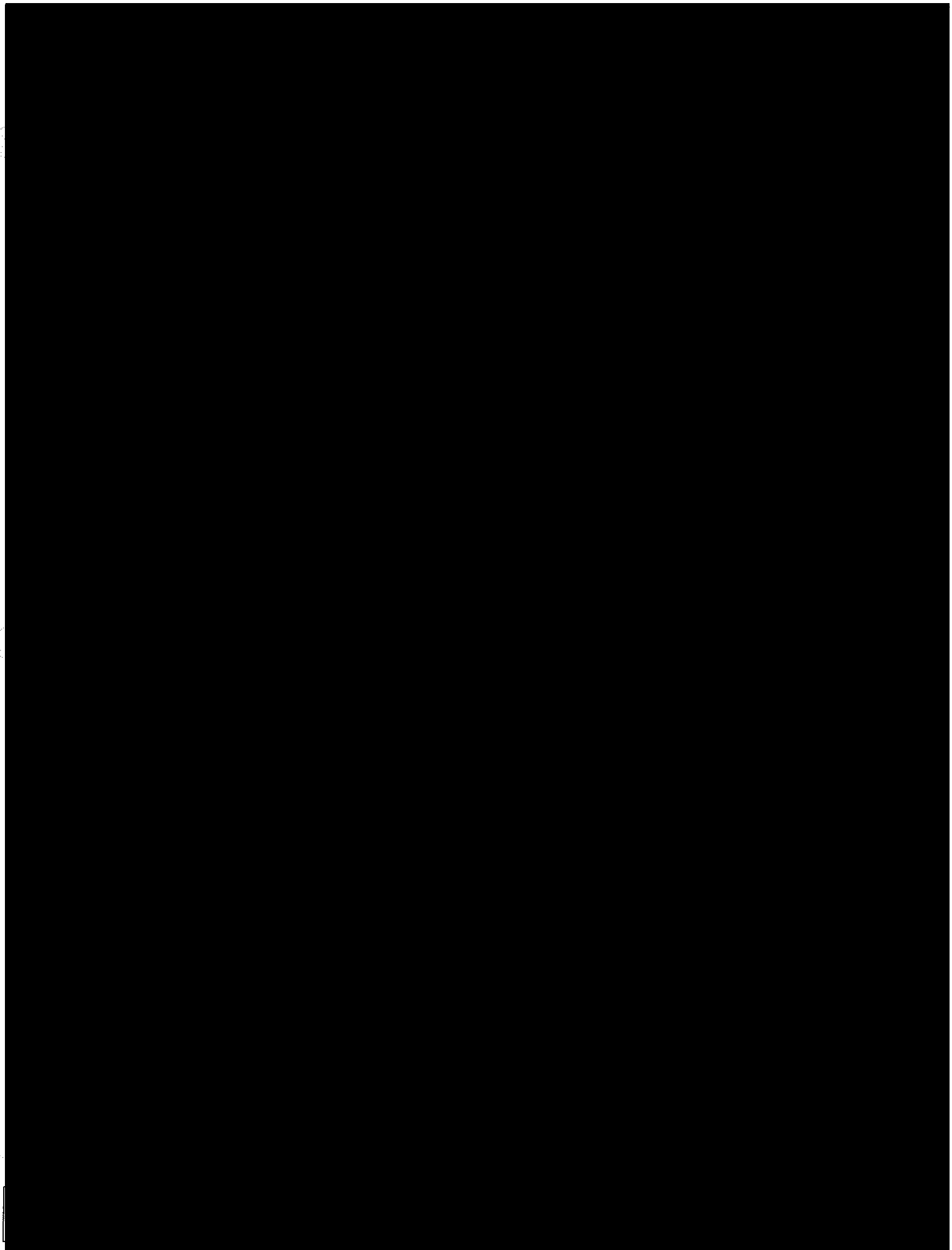
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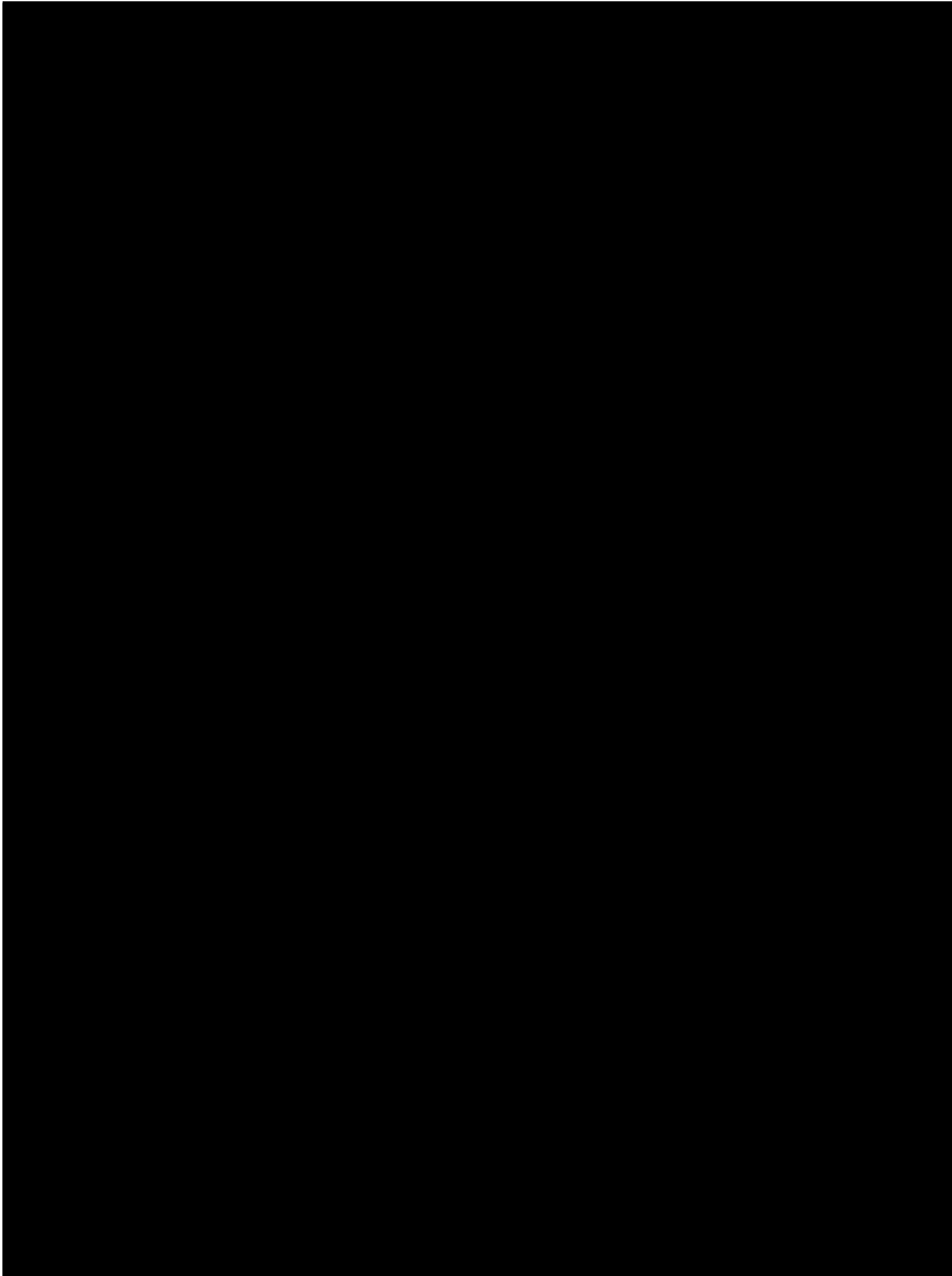
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3







28



CITY OF
CARLSBAD
Police Department

Confidential Memorandum

April 18th, 2013

TO: Sergeant Rich Beronda

FROM: Sergeant Mickey Williams
Professional Standards and Services Division

RE: **INTERNAL AFFAIRS INVESTIGATION 13-07**

This is to inform you that a complaint has been received against an officer of this department and you have been identified as a potential witness. Due to the nature of the complaint you will be interviewed to determine if you can provide any relevant information. I have scheduled your interview for **Thursday, April 18th, 2013 at 1730 Hours** in my office.

Even though you are not the subject of this investigation, you will be allowed to have a representative of your choice present during your interview if you desire. Your representative may be an attorney, a member of the Police Association, or anyone else not connected with this investigation. If your representative is not an attorney, you must notify me who you would like to represent you prior to contacting them or discussing this investigation with them. This will ensure that the person selected is not connected to this investigation. Should you have any questions or concerns contact me.

On behalf of the Chief of Police, I am officially ordering you of the following: Do not discuss this investigation or the allegations with anyone other than your representative, legal counsel, medical or mental health professionals, family members or clergy. This includes but is not limited to, any conversation either in person, by telephone, or any written or electronic communication, either on or off duty. Your failure to abide by this order will be deemed insubordination, pursuant to Carlsbad Police Department Policy § 340.3.5(e) - Performance, and may result in discipline, up to and including termination. RB (Initial)

I have received a copy of this memorandum and I agree to comply with the orders issued.

Signed: _____

R-L B L

Date: _____

4-18-13

INTERVIEW ADMONITION FOR PEACE OFFICERS

WITNESS

START RECORDING

I am Sergeant Williams and I am the officer in charge of this investigation for the Carlsbad Police Department.

Today's date is April 18th, 2013. The current time is 1629.

We are in my office at the Carlsbad Police station.

☐ No one will be assisting me with this interview today.

☒ Sergeant Jackowski is also present and will be assisting with this interview.

Present at this interview is Sergeant Beronda.

☐ N/A is also present and is being permitted to act as your representative.

☐ Are (both of) you aware that representation at this point is not an afforded right under the Peace Officer's Bill of Rights because you are a witness officer? A: _____.

This interview is being recorded.

The purpose of this interview is to discuss an allegation of misconduct by Officer Taryn Sisco on March 14th, 2013. Specifically it is alleged that Officer Sisco provided false information to her supervisor, and authored either a false or inaccurate police report related to an incident that occurred on March 14th, 2013.

Today's questioning concerns administrative matters relating to the official business of the Carlsbad Police Department. On behalf of the Chief of Police, I now order you to answer my questions completely and truthfully. If at any point I determine your involvement is more than that of a witness, I will stop the interview and we will reschedule for a later time wherein you will be provided with all the rights afforded to an accused officer per the Peace Officer Bill of Rights.

Q: Sergeant Beronda, do you understand what I just read to you? A: yes

Q: Do you have any questions regarding what I read? A: no

BEGIN QUESTIONING

I have no further questions at this time. On behalf of the Chief of Police, I am ordering ~~(both of)~~ you not to disclose anything we discussed during this interview or anything regarding this investigation with anyone ~~(other than each other.)~~ However, you may speak with legal counsel should you choose to consult an attorney.

Disclosure of anything we discussed during this interview would be considered insubordination and by itself would subject you to disciplinary action, up to and including termination. Sergeant Beronda, do you understand? A: yes

This order will remain in effect indefinitely due to the nature of the investigation.

This concludes the interview. The time now is 1713.

STOP RECORDING



CITY OF
CARLSBAD
Police Department

Confidential Memorandum

April 18th, 2013

TO: Lt. Bruce May

FROM: Sergeant Mickey Williams
Professional Standards and Services Division

RE: **INTERNAL AFFAIRS INVESTIGATION 13-IA-07**

This is to inform you that a complaint has been received against an officer of this department and you have been identified as a potential witness. Due to the nature of the complaint you will be interviewed to determine if you can provide any relevant information. I have scheduled your interview for **Thursday, April 18th, 2013 at 1800 Hours** in my office.

Even though you are not the subject of this investigation, you will be allowed to have a representative of your choice present during your interview if you desire. Your representative may be an attorney, a member of the Police Association, or anyone else not connected with this investigation. If your representative is not an attorney, you **must** notify me who you would like to represent you **prior** to contacting them or discussing this investigation with them. This will ensure that the person selected is not connected to this investigation. Should you have any questions or concerns contact me.

On behalf of the Chief of Police, I am officially ordering you of the following: Do not discuss this investigation or the allegations with anyone other than your representative, legal counsel, medical or mental health professionals, family members or clergy. This includes but is not limited to, any conversation either in person, by telephone, or any written or electronic communication, either on or off duty. Your failure to abide by this order will be deemed insubordination, pursuant to Carlsbad Police Department Policy § 340.3.5(e) - Performance, and may result in discipline, up to and including termination. *B May* (Initial)

I have received a copy of this memorandum and I agree to comply with the orders issued.

Signed: B - May

Date: 04/18/13

INTERVIEW ADMONITION FOR PEACE OFFICERS

WITNESS

START RECORDING

I am Sergeant Williams and I am the officer in charge of this investigation for the Carlsbad Police Department.

Today's date is April 18th, 2013. The current time is 1805.

We are in my office at the Carlsbad Police station.

☐ No one will be assisting me with this interview today.

☒ Sergeant Jackowski is also present and will be assisting with this interview.

Present at this interview is Lt. May.

☐ N/A is also present and is being permitted to act as your representative.

☐ Are (both of) you aware that representation at this point is not an afforded right under the Peace Officer's Bill of Rights because you are a witness officer? A: _____.

This interview is being recorded.

The purpose of this interview is to discuss an allegation of misconduct by Officer Taryn Sisco on March 14th, 2013. Specifically it is alleged that Officer Sisco provided false information to her supervisor, and authored either a false or inaccurate police report related to an incident that occurred on March 14th, 2013.

Today's questioning concerns administrative matters relating to the official business of the Carlsbad Police Department. On behalf of the Chief of Police, I now order you to answer my questions completely and truthfully. If at any point I determine your involvement is more than that of a witness, I will stop the interview and we will reschedule for a later time wherein you will be provided with all the rights afforded to an accused officer per the Peace Officer Bill of Rights.

Q: Lt. May, do you understand what I just read to you? A: Yes

Q: Do you have any questions regarding what I read? A: NO

BEGIN QUESTIONING

I have no further questions at this time. On behalf of the Chief of Police, I am ordering ~~(both of)~~ you not to disclose anything we discussed during this interview or anything regarding this investigation with anyone ~~(other than each other.)~~ However, you may speak with legal counsel should you choose to consult an attorney.

Disclosure of anything we discussed during this interview would be considered insubordination and by itself would subject you to disciplinary action, up to and including termination. Lt. May, do you understand? A:

Yes
This order will remain in effect indefinitely due to the nature of the investigation.

This concludes the interview. The time now is 1825.

STOP RECORDING



CITY OF
CARLSBAD
Police Department

Confidential Memorandum

April 18th, 2013

TO: Officer Taryn Sisco

FROM: Sergeant Mickey Williams
Professional Standards and Services Division

RE: **INTERNAL AFFAIRS INVESTIGATION 13-IA-07**

An administrative investigation is currently being conducted into events which allegedly occurred on March 14th, 2013. It is alleged that you provided false information to your supervisor, and authored either a false or inaccurate police report related to an incident that occurred on March 14th, 2013, in violation of the following department policy sections:

340.3.5 PERFORMANCE

- (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
- (o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.
- (p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.
- (aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.
- (ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall

RE: **INTERNAL AFFAIRS INVESTIGATION 13-IA-07**

familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

To wit:

344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

On behalf of the Chief of Police, I am ordering you to report to my office on **Thursday, April 25th, 2013 at 1700 hours** to answer questions relating to this administrative investigation. Failure to appear will be considered an act of insubordination and can be an independent basis for disciplinary action, up to and including dismissal.

I am the fact-finder in this investigation. Sergeant Jackowski will assist with this interview. If Sergeant Jackowski is unavailable to assist in this interview, Lieutenant Mendes will assist with the interview. Under no circumstances will there be more than two interviewers.

The investigative interview will be recorded. You will have access to the recording if any further proceedings are contemplated or prior to any further investigative interview at a subsequent time. You have the right to bring your own recording device and record any and all aspects of the investigative interview.

You have the right to be represented by a representative of your choice who may be present at all times during the investigative interview. This representative shall not be a person subject to the same investigation. If your representative is not an attorney, you **must** notify me who you would like to represent you **prior** to contacting them or discussing this investigation with them. This will ensure that the person selected is not connected to this investigation.

RE: INTERNAL AFFAIRS INVESTIGATION 13-IA-07

You are ordered not to discuss this investigation or its subject matter with anyone other than your representative, legal counsel, medical or mental health professionals, family members or clergy.

Failure to comply fully with the provision of this notice shall be deemed an act of insubordination, and may result in disciplinary action, up to and including dismissal.

Please contact me if you have any question prior to the interview.

Respectfully,

M. WILLIAMS #5221

Sergeant Mickey Williams

I have received a copy of this memorandum and I agree to comply with the orders issued.

Signed: *Tang D...* Date: 04-18-13

INTERVIEW ADMONITION FOR PEACE OFFICERS

NON-CRIMINAL ACTION

START RECORDING

I am Sergeant Mickey Williams and I am the officer in charge of this investigation for the Carlsbad Police Department. We are in my office at the Carlsbad Police station.

- ☐ No one will be assisting me with this interview today.
- ☒ Lt. Paul Mendes is also present and will be assisting with this interview.

Present at this interview is Officer Taryn Sisco.

- ☒ Attorney Ken Yuwiler is also present and will be acting as your representative / legal counsel.

☐ If the employee chooses not to have a representative, indicate so on the recording by stating:

_____, do you understand per Government Code § 3303(i) as the accused in this matter you have the right to have a representative present during this interview? A: _____.

Are you waiving your right to have a representative present? A: _____.

Today's date is April 23rd, 2013. The current time is 1816.

Pursuant to Government Code § 3303(g), I am recording this interview. Officer Sisco, you have the right to record the interview as well.

Are you taking any medication which would cause you to be unable to understand and respond truthfully and fully to the questions that will be asked of you? A: NO

Have you failed to take any prescription or other medication which would assist you to understand and respond truthfully and fully to the questions that will be asked of you? A: NO

Are you suffering from any physical or mental condition that will cause you to be unable to understand and respond truthfully and fully to the questions that will be asked of you? A: NO

The purpose of this interview is to discuss IA case # 13-IA-07.

The allegations focus on, but are not limited to Carlsbad Police Department Policies: 340.3.5-PERFORMANCE, subsections (i), (o), (p), (aa), and (ad), and 344.1.1 REPORT PREPARATION.

The nature of this investigation is: It is alleged that you provided false information to your supervisor, and authored either a false or inaccurate police report related to an incident that occurred on March 14th, 2013, in violation of the aforementioned department policy sections.

LYBARGER ADMONISHMENT

Today's questioning concerns administrative matters relating to the official business of the Carlsbad Police Department. I am not questioning you for the purpose of instituting a criminal complaint against you. If, however, during the course of this questioning you disclose information, which indicates that you may be guilty of criminal misconduct, neither your self-incriminating statements nor the fruits of any self-incriminating statements you make to me will be used in any criminal legal proceedings.

Q. Officer Sisco, do you understand what I just read to you? A: yes
Q. Do you have any questions regarding what I read? A: no

On behalf of the Chief of Police, I now order you to completely and truthfully answer my questions. Failure to answer my questions will be deemed insubordination and will subject you to discipline, up to and including termination.

Q. Do you understand? A: yes

BEGIN QUESTIONING

I have no further questions at this time. On behalf of the Chief of Police, I am ordering you not to discuss this investigation or its subject matter with anyone other than your representative, legal counsel, medical or mental health professionals, family members or clergy. Doing so would be insubordination and by itself would subject you to disciplinary action, up to and including termination. Do you understand?

A: yes

This order will be automatically lifted when you are given notice of the findings by your division commander.

This concludes the interview. The time now is 2004.

STOP RECORDING



CITY OF
CARLSBAD
Police Department

Confidential Memorandum

April 23rd, 2013

TO: Officer Taryn Sisco

FROM: Sergeant Mickey Williams
Professional Standards and Services Division Sergeant

RE: **NOTICE OF PAID ADMINISTRATIVE LEAVE AND RELATED ORDERS; 13-IA-07**

The purpose of this CONFIDENTIAL MEMORANDUM is to provide you with notice that effective immediately upon its service; your work status is converted to that of paid administrative leave. Said status shall remain in full force and effect until modified in writing. Your placement in a paid administrative leave capacity is in relation to the matters being investigated by the Department in Internal Affairs Investigation 13-IA-07.

On behalf of the Chief of Police, until otherwise advised in writing, THE FOLLOWING ORDERS SHALL GOVERN YOUR PAID ADMINISTRATIVE LEAVE STATUS:

1. You are relieved of any and all peace officer powers and duties;
2. You are prohibited from performing any peace officer functions on behalf of the City of Carlsbad;
3. You are not authorized to carry a concealed weapon;
4. You are required to immediately relinquish your badges, identification/access cards, Department weapons, Department radio, Department cell phone, Department computer and any and all keys to City facilities;
5. You are prohibited from entering any part of any City facility which is not open to the general public;
6. You are required to initiate telephone contact with me via my office telephone 760-931-2178, daily (Monday through Friday, excluding holidays), between 0800 and 1700 hours, unless otherwise directed by me. If I do not answer your telephone call you shall leave a voicemail message for me advising me that you have called;

NOTICE OF PAID ADMINISTRATIVE LEAVE AND RELATED ORDERS; 13-IA-07

7. You are prohibited from discussing any aspect of Internal Affairs Investigation 13-IA-07 with any employees of the City of Carlsbad. Inasmuch as you have relatives and/or a social relationship with persons employed by the City, it is imperative that you understand that this particular order specifically prohibits your discussion of any aspect of this investigation with any such individual. You may discuss this case with your representative, legal counsel, medical or mental health professionals, your spouse or clergy.

FAILURE TO COMPLY FULLY WITH THE PROVISIONS OF THIS NOTICE SHALL BE DEEMED AN ACT OF INSUBORDINATION, AND MAY RESULT IN DISCIPLINARY ACTION, UP TO AND INCLUDING DISMISSAL.

Received and acknowledged by (print name): TARYN SISCO

Signature: 

Date: 042313 Time: 2020



CITY OF
CARLSBAD
Police Department

Confidential Memorandum

April 25th, 2013

TO: Sergeant Steve Thomas

FROM: Sergeant Mickey Williams
Professional Standards and Services Division


RE: **INTERNAL AFFAIRS INVESTIGATION 13-IA-07**

This is to inform you that a complaint has been received against an officer of this department and you have been identified as a potential witness. Due to the nature of the complaint you will be interviewed to determine if you can provide any relevant information. I have scheduled your interview for **Friday, April 26th, 2013 at 1300 hours** in my office.

Even though you are not the subject of this investigation, you will be allowed to have a representative of your choice present during your interview if you desire. Your representative may be an attorney, a member of the Police Association, or anyone else not connected with this investigation. If your representative is not an attorney, you must notify me who you would like to represent you prior to contacting them or discussing this investigation with them. This will ensure that the person selected is not connected to this investigation. Should you have any questions or concerns contact me.

On behalf of the Chief of Police, I am officially ordering you of the following: **Do not discuss this investigation or the allegations with anyone other than your representative, legal counsel, medical or mental health professionals, family members or clergy. This includes but is not limited to, any conversation either in person, by telephone, or any written or electronic communication, either on or off duty. Your failure to abide by this order will be deemed insubordination, pursuant to Carlsbad Police Department Policy § 340.3.5(e) - Performance, and may result in discipline, up to and including termination.** SW (Initial)

I have received a copy of this memorandum and I agree to comply with the orders issued.

Signed:  Date: 4-25-13

INTERVIEW ADMONITION FOR PEACE OFFICERS

WITNESS

START RECORDING

I am Sergeant Williams and I am the officer in charge of this investigation for the Carlsbad Police Department.

Today's date is April 26th, 2013. The current time is 1304.

We are in my office at the Carlsbad Police station.

☒ No one will be assisting me with this interview today.

☐ _____ is also present and will be assisting with this interview.

Present at this interview is Sergeant Thomas.

☐ N/A is also present and is being permitted to act as your representative.

☐ Are (both of) you aware that representation at this point is not an afforded right under the Peace Officer's Bill of Rights because you are a witness officer? A: _____.

This interview is being recorded.

The purpose of this interview is to discuss an allegation of misconduct by Officer Taryn Sisco on March 14th, 2013. Specifically it is alleged that Officer Sisco provided false information to her supervisor, and authored either a false or inaccurate police report related to an incident that occurred on March 14th, 2013.

Today's questioning concerns administrative matters relating to the official business of the Carlsbad Police Department. On behalf of the Chief of Police, I now order you to answer my questions completely and truthfully. If at any point I determine your involvement is more than that of a witness, I will stop the interview and we will reschedule for a later time wherein you will be provided with all the rights afforded to an accused officer per the Peace Officer Bill of Rights.

Q: Sergeant Thomas, do you understand what I just read to you? A: yes

Q: Do you have any questions regarding what I read? A: No

BEGIN QUESTIONING

I have no further questions at this time. On behalf of the Chief of Police, I am ordering (both of) you not to disclose anything we discussed during this interview or anything regarding this investigation with anyone (other than each other.) However, you may speak with legal counsel should you choose to consult an attorney.

Disclosure of anything we discussed during this interview would be considered insubordination and by itself would subject you to disciplinary action, up to and including termination. Sergeant Thomas, do you understand? A: yes

This order will remain in effect indefinitely due to the nature of the investigation.

This concludes the interview. The time now is 1309.

STOP RECORDING



**CITY OF
CARLSBAD**
Police Department

Confidential Memorandum

May 1st, 2013

TO: Sgt. Jade Chase

FROM: Sergeant Mickey Williams
Professional Standards and Services Division

RE: **INTERNAL AFFAIRS INVESTIGATION 13-IA-07**

This is to inform you that a complaint has been received against an officer of this department and you have been identified as a potential witness. Due to the nature of the complaint you will be interviewed to determine if you can provide any relevant information. I have scheduled your interview for **Wednesday, May 1st, 2013 at 1530 hours** in my office.

Even though you are not the subject of this investigation, you will be allowed to have a representative of your choice present during your interview if you desire. Your representative may be an attorney, a member of the Police Association, or anyone else not connected with this investigation. If your representative is not an attorney, you must notify me who you would like to represent you prior to contacting them or discussing this investigation with them. This will ensure that the person selected is not connected to this investigation. Should you have any questions or concerns contact me.

On behalf of the Chief of Police, I am officially ordering you of the following: Do not discuss this investigation or the allegations with anyone other than your representative, legal counsel, medical or mental health professionals, family members or clergy. This includes but is not limited to, any conversation either in person, by telephone, or any written or electronic communication, either on or off duty. Your failure to abide by this order will be deemed insubordination, pursuant to Carlsbad Police Department Policy § 340.3.5(e) - Performance, and may result in discipline, up to and including termination. JWC (Initial)

I have received a copy of this memorandum and I agree to comply with the orders issued.

Signed: Jade Chase Date: 5/1/13

INTERVIEW ADMONITION FOR PEACE OFFICERS

WITNESS

START RECORDING

I am Sergeant Williams and I am the officer in charge of this investigation for the Carlsbad Police Department.

Today's date is May 1st, 2013. The current time is 1532.

We are in my office at the Carlsbad Police station.

☐ No one will be assisting me with this interview today.

☒ Sergeant Jackowski is also present and will be assisting with this interview.

Present at this interview is Sgt. Chase.

☐ N/A is also present and is being permitted to act as your representative.

☐ Are (both of) you aware that representation at this point is not an afforded right under the Peace Officer's Bill of Rights because you are a witness officer? A: _____

This interview is being recorded.

The purpose of this interview is to discuss an allegation of misconduct by Officer Taryn Sisco on March 14th, 2013. Specifically it is alleged that Officer Sisco provided false information to her supervisor, and authored either a false or inaccurate police report related to an incident that occurred on March 14th, 2013.

Today's questioning concerns administrative matters relating to the official business of the Carlsbad Police Department. On behalf of the Chief of Police, I now order you to answer my questions completely and truthfully. If at any point I determine your involvement is more than that of a witness, I will stop the interview and we will reschedule for a later time wherein you will be provided with all the rights afforded to an accused officer per the Peace Officer Bill of Rights.

Q: Sgt. Chase, do you understand what I just read to you? A: yes I do

Q: Do you have any questions regarding what I read? A: NO

BEGIN QUESTIONING

I have no further questions at this time. On behalf of the Chief of Police, I am ordering (both of) you not to disclose anything we discussed during this interview or anything regarding this investigation with anyone (other than each other.) However, you may speak with legal counsel should you choose to consult an attorney.

Disclosure of anything we discussed during this interview would be considered insubordination and by itself would subject you to disciplinary action, up to and including termination. Sgt. Chase, do you understand? A:

yes

This order will remain in effect indefinitely due to the nature of the investigation.

This concludes the interview. The time now is 1542.

STOP RECORDING



CITY OF
CARLSBAD
Police Department

Confidential Memorandum

May 1st, 2013

TO: Officer Matt Thompson

FROM: Sergeant Mickey Williams
Professional Standards and Services Division

RE: **INTERNAL AFFAIRS INVESTIGATION 13-IA-07**

This is to inform you that a complaint has been received against an officer of this department and you have been identified as a potential witness. Due to the nature of the complaint you will be interviewed to determine if you can provide any relevant information. I have scheduled your interview for **Thursday, May 9th, 2013 at 1600 Hours** in my office.

Even though you are not the subject of this investigation, you will be allowed to have a representative of your choice present during your interview if you desire. Your representative may be an attorney, a member of the Police Association, or anyone else not connected with this investigation. If your representative is not an attorney, you **must** notify me who you would like to represent you **prior** to contacting them or discussing this investigation with them. This will ensure that the person selected is not connected to this investigation. Should you have any questions or concerns contact me.

On behalf of the Chief of Police, I am officially ordering you of the following: Do not discuss this investigation or the allegations with anyone other than your representative, legal counsel, medical or mental health professionals, family members or clergy. This includes but is not limited to, any conversation either in person, by telephone, or any written or electronic communication, either on or off duty. Your failure to abide by this order will be deemed insubordination, pursuant to Carlsbad Police Department Policy § 340.3.5(e) - Performance, and may result in discipline, up to and including termination. MW (Initial)

I have received a copy of this memorandum and I agree to comply with the orders issued.

Signed: MW Date: 5-1-13

INTERVIEW ADMONITION FOR PEACE OFFICERS

WITNESS

START RECORDING

I am Sergeant Williams and I am the officer in charge of this investigation for the Carlsbad Police Department.

Today's date is May 9th, 2013. The current time is 1607.

We are in my office at the Carlsbad Police station.

☐ No one will be assisting me with this interview today.

☒ Lt. Mendes is also present and will be assisting with this interview.

Present at this interview is Officer Matt Thompson.

☐ N/A is also present and is being permitted to act as your representative.

☐ Are (both of) you aware that representation at this point is not an afforded right under the Peace Officer's Bill of Rights because you are a witness officer? A: _____.

This interview is being recorded.

The purpose of this interview is to discuss an allegation of misconduct by Officer Taryn Sisco on March 14th, 2013. Specifically it is alleged that Officer Sisco provided false information to her supervisor, and authored either a false or inaccurate police report related to an incident that occurred on March 14th, 2013.

Today's questioning concerns administrative matters relating to the official business of the Carlsbad Police Department. On behalf of the Chief of Police, I now order you to answer my questions completely and truthfully. If at any point I determine your involvement is more than that of a witness, I will stop the interview and we will reschedule for a later time wherein you will be provided with all the rights afforded to an accused officer per the Peace Officer Bill of Rights.

Q: Officer Thompson, do you understand what I just read to you? A: I DO

Q: Do you have any questions regarding what I read? A: NO

BEGIN QUESTIONING

I have no further questions at this time. On behalf of the Chief of Police, I am ordering (~~both of~~) you not to disclose anything we discussed during this interview or anything regarding this investigation with anyone (~~other than each other.~~) However, you may speak with legal counsel should you choose to consult an attorney.

Disclosure of anything we discussed during this interview would be considered insubordination and by itself would subject you to disciplinary action, up to and including termination. Officer Thompson, do you understand? A: I DO

This order will remain in effect indefinitely due to the nature of the investigation.

This concludes the interview. The time now is 1632.

STOP RECORDING



CITY OF
CARLSBAD
Police Department

Confidential Memorandum

May 1st, 2013

TO: Officer Michael Torres

FROM: Sergeant Mickey Williams
Professional Standards and Services Division

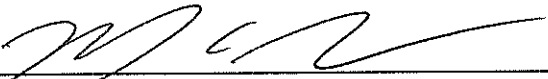
RE: **INTERNAL AFFAIRS INVESTIGATION 13-IA-07**

This is to inform you that a complaint has been received against an officer of this department and you have been identified as a potential witness. Due to the nature of the complaint you will be interviewed to determine if you can provide any relevant information. I have scheduled your interview for **Thursday, May 9th, 2013 at 1630 Hours** in my office.

Even though you are not the subject of this investigation, you will be allowed to have a representative of your choice present during your interview if you desire. Your representative may be an attorney, a member of the Police Association, or anyone else not connected with this investigation. If your representative is not an attorney, you must notify me who you would like to represent you prior to contacting them or discussing this investigation with them. This will ensure that the person selected is not connected to this investigation. Should you have any questions or concerns contact me.

On behalf of the Chief of Police, I am officially ordering you of the following: Do not discuss this investigation or the allegations with anyone other than your representative, legal counsel, medical or mental health professionals, family members or clergy. This includes but is not limited to, any conversation either in person, by telephone, or any written or electronic communication, either on or off duty. Your failure to abide by this order will be deemed insubordination, pursuant to Carlsbad Police Department Policy § 340.3.5(e) - Performance, and may result in discipline, up to and including termination. mm (Initial)

I have received a copy of this memorandum and I agree to comply with the orders issued.

Signed:  Date: 5.1-13

INTERVIEW ADMONITION FOR PEACE OFFICERS

WITNESS

START RECORDING

I am Sergeant Williams and I am the officer in charge of this investigation for the Carlsbad Police Department.

Today's date is May 9th, 2013. The current time is 1642.

We are in my office at the Carlsbad Police station.

- ☐ No one will be assisting me with this interview today.
☒ Lt. Mendes is also present and will be assisting with this interview.

Present at this interview is Officer Michael Torres.

- ☒ OFF. DEEPAK HARVEY is also present and is being permitted to act as your representative.
☐ Are (both of) you aware that representation at this point is not an afforded right under the Peace Officer's Bill of Rights because you are a witness officer? A: _____.

This interview is being recorded.

The purpose of this interview is to discuss an allegation of misconduct by Officer Taryn Sisco on March 14th, 2013. Specifically it is alleged that Officer Sisco provided false information to her supervisor, and authored either a false or inaccurate police report related to an incident that occurred on March 14th, 2013.

Today's questioning concerns administrative matters relating to the official business of the Carlsbad Police Department. On behalf of the Chief of Police, I now order you to answer my questions completely and truthfully. If at any point I determine your involvement is more than that of a witness, I will stop the interview and we will reschedule for a later time wherein you will be provided with all the rights afforded to an accused officer per the Peace Officer Bill of Rights.

Q: Officer Torres, do you understand what I just read to you? A: YES
Q: Do you have any questions regarding what I read? A: NO

BEGIN QUESTIONING

I have no further questions at this time. On behalf of the Chief of Police, I am ordering (both of) you not to disclose anything we discussed during this interview or anything regarding this investigation with anyone (other than each other.) However, you may speak with legal counsel should you choose to consult an attorney.

Disclosure of anything we discussed during this interview would be considered insubordination and by itself would subject you to disciplinary action, up to and including termination. Officer Torres, do you understand?

A: YES

This order will remain in effect indefinitely due to the nature of the investigation.

This concludes the interview. The time now is 1655.

STOP RECORDING



CITY OF
CARLSBAD
Police Department

Confidential Memorandum

May 1st, 2013

TO: Officer Justin Richards

FROM: Sergeant Mickey Williams
Professional Standards and Services Division

RE: **INTERNAL AFFAIRS INVESTIGATION 13-IA-07**

This is to inform you that a complaint has been received against an officer of this department and you have been identified as a potential witness. Due to the nature of the complaint you will be interviewed to determine if you can provide any relevant information. I have scheduled your interview for **Thursday, May 9th, 2013 at 1700 Hours** in my office.

Even though you are not the subject of this investigation, you will be allowed to have a representative of your choice present during your interview if you desire. Your representative may be an attorney, a member of the Police Association, or anyone else not connected with this investigation. If your representative is not an attorney, you must notify me who you would like to represent you prior to contacting them or discussing this investigation with them. This will ensure that the person selected is not connected to this investigation. Should you have any questions or concerns contact me.

On behalf of the Chief of Police, I am officially ordering you of the following: Do not discuss this investigation or the allegations with anyone other than your representative, legal counsel, medical or mental health professionals, family members or clergy. This includes but is not limited to, any conversation either in person, by telephone, or any written or electronic communication, either on or off duty. Your failure to abide by this order will be deemed insubordination, pursuant to Carlsbad Police Department Policy § 340.3.5(e) - Performance, and may result in discipline, up to and including termination. JK (Initial)

I have received a copy of this memorandum and I agree to comply with the orders issued.

Signed: _____

Date: 5-1-13

INTERVIEW ADMONITION FOR PEACE OFFICERS

WITNESS

START RECORDING

I am Sergeant Williams and I am the officer in charge of this investigation for the Carlsbad Police Department.

Today's date is May 9th, 2013. The current time is 1704.

We are in my office at the Carlsbad Police station.

☐ No one will be assisting me with this interview today.

☒ Lt. Mendes is also present and will be assisting with this interview.

Present at this interview is Officer Justin Richards.

☐ N/A is also present and is being permitted to act as your representative.

☐ Are (both of) you aware that representation at this point is not an afforded right under the Peace Officer's Bill of Rights because you are a witness officer? A: _____.

This interview is being recorded.

The purpose of this interview is to discuss an allegation of misconduct by Officer Taryn Sisco on March 14th, 2013. Specifically it is alleged that Officer Sisco provided false information to her supervisor, and authored either a false or inaccurate police report related to an incident that occurred on March 14th, 2013.

Today's questioning concerns administrative matters relating to the official business of the Carlsbad Police Department. On behalf of the Chief of Police, I now order you to answer my questions completely and truthfully. If at any point I determine your involvement is more than that of a witness, I will stop the interview and we will reschedule for a later time wherein you will be provided with all the rights afforded to an accused officer per the Peace Officer Bill of Rights.

Q: Officer Richards, do you understand what I just read to you? A: yes

Q: Do you have any questions regarding what I read? A: NO

BEGIN QUESTIONING

I have no further questions at this time. On behalf of the Chief of Police, I am ordering (both of) you not to disclose anything we discussed during this interview or anything regarding this investigation with anyone (other than each other.) However, you may speak with legal counsel should you choose to consult an attorney.

Disclosure of anything we discussed during this interview would be considered insubordination and by itself would subject you to disciplinary action, up to and including termination. Officer Richards, do you understand? A: yes

This order will remain in effect indefinitely due to the nature of the investigation.

This concludes the interview. The time now is 1713.

STOP RECORDING

CARLSBAD POLICE DEPARTMENT

Confidential Personnel Report (§832.7 PC)

INTERNAL Investigation

Name (Last, First): SISCO, TARYN

IA #: 13-1A-08

Cross filed to: N/A

Date received: 2-20-13

Date filed: 12-6-13

Purge date: 12-6-15

CHECKLIST

DATE	INITIALS	NA	
3-21-13	MW		Supervisor's Complaint Summary
7-23-13	MW		Employee Noticed and Acknowledged
6-11-13	MW		Associated Reports / CAD log attached
9-19-13	MW		Witness list attached
9-19-13	MW		IA Investigative narrative complete
9-19-13	MW		Forwarded for supervisory review
10-6-13	PP		Supervisory review completed and findings attached
12-6-13	NB		Disposition letter attached
		<input checked="" type="checkbox"/>	Notice of Intent to discipline attached
		<input checked="" type="checkbox"/>	Employee statement attached
12-6-13	MW		Skelly copies made and distributed to employee and Skelly officer
		<input checked="" type="checkbox"/>	Imposed discipline documentation / verification attached
12-6-13	MW		Audio / Video recordings / reports burned to disc and attached
		<input checked="" type="checkbox"/>	Other evidence attached (specify):
12-6-13	MW		Chief advised of final disposition

CONFIDENTIAL

CARLSBAD POLICE DEPARTMENT INTERNAL AFFAIRS INVESTIGATION #13-IA-08

TABLE OF CONTENTS

- A. Chronology
- B. Investigative narrative
- C. Supervisor's Complaint Summary
- D. Witness List
- E. CPD case 13-01100 prepared by Officer Sisco
- F. Juvenile Court Order Forms
- G. Juvenile Court Trial Transcript from 3-18-13
- H. Officer Sisco's interview transcript from 9-3-13
- I. Juvenile DA's Office and Probation Department records
- J. Officer Notebook photocopies
- K. Officer Notebook photocopies
- L. Officer Notebook photocopies
- M. Field Interview book photocopies
- N. Field Interview book photocopies
- O. Field Interview book photocopies
- P. Administrative Findings and Insight
- Q. Officer Notices and Admonishments

A

CONFIDENTIAL

CARLSBAD POLICE DEPARTMENT INTERNAL AFFAIRS INVESTIGATION #13-IA-08

CHRONOLOGY

2-20-13 Off. Sisco investigated this shoplift incident and prepared a written report.

3-21-13 Sgt. Chase submitted a Supervisor's Complaint Summary to Lt. Mendes.

4-16-13 Sgt. Williams was assigned to investigate this complaint.

6-19-13 Loss Prevention Agents Miguel Rico and Chris Lopez were interviewed.

6-26-13 DDA Barry Shapiro was interviewed.

6-26-13 Off. Burns was interviewed.

6-27-13 A transcript of [REDACTED] juvenile court trial was requested through the District Attorney's Office and the Juvenile Superior Court.

7-31-13 The trial transcript was reviewed

8-15-13 Sgt. Chase was interviewed.

9-3-13 Off. Sisco was interviewed. An administrative search of Off. Sisco's locker and equipment storage bin was conducted.

9-19-13 The investigation was completed and forwarded to Cpt. Gallucci for review.

B

CONFIDENTIAL

CARLSBAD POLICE DEPARTMENT INTERNAL AFFAIRS INVESTIGATION #13-IA-08

Date Opened: 3-21-13
Date of Incident: 2-20-13
IA Case #: 13-IA-08
Related Case: None
Complainant: Sergeant Jade Chase #5348
Investigator: Sergeant Mickey Williams #5221
Personnel Involved: Officer Taryn Sisco #5426

INTRODUCTION

On 3-21-13, Sgt. Chase submitted a Supervisor's Complaint Summary detailing an incident that occurred on 2-20-13; Carlsbad Police case 13-01100. Sgt. Chase stated that she had suspicions regarding the accuracy and truthfulness of comments made by Off. Sisco to Sgt. Chase on 2-20-13 in addition to the accuracy and truthfulness of a portion of Off. Sisco's arrest report.

On 4-16-13, I was assigned to conduct this investigation.

METHODOLOGY

Interviews of the involved personnel and listed witnesses were conducted in person in my office or via telephone and were digitally recorded, with one documented exception. The recordings were saved to computer and transferred to disc.

The following items were collected and reviewed as part of this investigation:

- Item 1: Supervisor's Complaint Summary prepared by Sgt. Chase
- Item 2: Carlsbad Police arrest report 13-01100 prepared by Off. Sisco
- Item 3: Carlsbad Police Dispatch CAD report for this incident (Carlsbad Police Incident number CB130012568; case number 13-01100)
- Item 4: Transcript of juvenile court trial dated 3-18-13 where Off. Sisco testified

BACKGROUND

On 2-20-13, Off. Sisco was assigned as a uniformed police officer scheduled to work 1700 to 0500 hours. Off. Sisco was assigned as a solo officer unit; her call sign was 44-Paul. Sgt. Chase was assigned as Off. Sisco's patrol sergeant.

On 3-21-13, Sgt. Chase submitted a Supervisor's Complaint Summary regarding a shoplifting investigation that led to two arrests by Off. Sisco, on 2-20-13. Sgt. Chase's Supervisor's Complaint Summary contains essentially the following information.

On 2-20-13, Off. Sisco investigated a shoplifting incident at Sears that resulted in the arrest of two Juvenile females for burglary. When Sgt. Chase reviewed Off. Sisco's completed arrest report Sgt. Chase noted that the report failed to show that the suspects entered the store with the intent to commit a theft. Sgt. Chase discussed with Off. Sisco over the telephone this deficiency in the report. Sgt. Chase asked Off. Sisco if the juveniles admitted planning the theft and Off. Sisco told Sgt. Chase that she could not "remember". Off. Sisco told Sgt. Chase that she would need to check her notes to see if the suspects made statements regarding their intent to steal prior to entering the store. Sgt. Chase told Off. Sisco to check her notes to see if there was any information that could be added to the report to prove the intent necessary for the burglary arrest. Sgt. Chase told Off. Sisco to update her report if any additional information was found. Off. Sisco later completed the report and it was approved by Sgt. Beronda. The report stated that both suspects entering the store with the intent to steal. Sgt. Chase felt it was suspicious that if the suspects made these statements that Off. Sisco would need to check her notes to remember the admission. Sgt. Chase feared that Off. Sisco might have distorted the facts in her report to support her burglary arrest.

See Sgt. Chase's written Supervisor's Complaint Summary attached to this investigation.

I obtained a copy of Off. Sisco's prepared ten page report documenting this incident (Carlsbad Police case 13-01100).

A review of Off. Sisco's report revealed the following information.

Off. Sisco noted that she Mirandized both juvenile suspects per her officer's notebook and obtained statements from them while at Sears. Off. Sisco stated that Suspect- [REDACTED] told her that she knew she was going to steal the clothes before she went to the mall. Off. Sisco reported that Suspect- [REDACTED] admitted going to Sears with the intentions of stealing the vest.

A review of the one page Carlsbad Police Dispatch CAD report for this incident (Carlsbad Police Incident number CB130012568; case number 13-01100) revealed the following information.

- Off. Sisco arrived at Sears at 1813 hours

- Off. Burns arrived at Sears to cover Off. Sisco at 1812 hours
- Off. Burns advised they had two arrestees at 1838 hours
- Off. Sisco transported both suspects to the station at 1844 hours
- Off. Sisco cleared the call with both suspects booked into Juvenile Hall at 2214 hours

SUMMARY OF ALLEGATIONS – OFFICER TARYN SISCO

Sgt. Chase alleges that Off. Sisco possibly provided false information to Sgt. Chase, and authored either a false or inaccurate police report related to Carlsbad Police incident number CB130012568; case number 13-01100, that occurred on 2-20-13. If true, this is a possible violation of the following Carlsbad Police Department Policies:

Allegation 1

Policy 340.3.5 (i) - PERFORMANCE

(i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

Allegation 2

Policy 340.3.5 (o) - PERFORMANCE

(o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.

Allegation 3

Policy 340.3.5 (p) - PERFORMANCE

(p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.

Allegation 4

Policy 340.3.5 (aa) - PERFORMANCE

(aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.

Allegation 5

Policy 340.3.5 (ad) - PERFORMANCE

(ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

1 Allegation 6

2 **Policy 340.3.5 (m) - PERFORMANCE**

3 (m) Any knowing or negligent violation of the provisions of the department manual,
4 operating procedures or other written directive of an authorized supervisor. The
5 Department shall make this manual available to all employees. Employees shall
6 familiarize themselves with this manual and be responsible for compliance with each
7 of the policies contained herein.

8
9 To wit:

10
11 **344.1.1 REPORT PREPARATION**

12 Employees should ensure that reports are sufficiently detailed for their purpose and
13 free from errors prior to submission. It is the responsibility of the assigned employee to
14 complete and submit all reports taken during the shift before going off-duty unless
15 permission to hold the report has been approved by a supervisor. Generally, reports
16 requiring prompt follow-up action on active leads, or arrest reports where the suspect
17 remains in custody should not be held.

18
19 Handwritten reports must be prepared legibly. If the report is not legible, the submitting
20 employee will be required by the reviewing supervisor to promptly make corrections
21 and resubmit the report. Employees who dictate reports shall use appropriate grammar,
22 as content is not the responsibility of the typist. Employees who generate reports on
23 computers are subject to all requirements of this policy.

24
25 All reports shall accurately reflect the identity of the persons involved, all pertinent
26 information seen, heard or assimilated by any other sense, and any actions taken.
27 Employees shall not suppress, conceal or distort the facts of any reported incident, nor
28 shall any employee make a false report orally or in writing. Generally, the reporting
29 employee's opinions should not be included in reports unless specifically identified as
30 such.

31
32 **INVESTIGATION**

33
34 ***Interview of Loss Prevention Agent*** [REDACTED]

35
36 On 6-19-13, at approximately 1122 hours, I spoke with [REDACTED] on the telephone. [REDACTED]
37 [REDACTED] was one of the Sears Loss Prevention Agents who witnessed the theft by both suspects
38 and placed them under citizen's arrest. I described this incident to [REDACTED] and asked him if
39 he remembered the incident. [REDACTED] reviewed his report of this incident and stated that
40 he did remember the incident. I audio recorded this interview. [REDACTED] provided me with
41 the following information.

42
43 [REDACTED] stated that after they arrested the suspects they called the police and he
44 remembered Off. Sisco arrived to investigate. [REDACTED] remembered Off. Sisco

1 specifically and described her as the "tiny blonde" officer. [REDACTED] stated that
2 usually when the police arrive the officers will interview the suspects regarding the
3 suspect's intent to steal. [REDACTED] stated that neither he nor his partner, [REDACTED],
4 interviewed either suspect regarding whether they had the intent to steal the items
5 when they entered the store. [REDACTED] was pretty sure that Off. Sisco did interview
6 the suspects but he had no recollection of what was said. I asked [REDACTED] if the
7 office at Sears has any audio recording and he said, no.
8

9 **Interview of Loss Prevention Agent [REDACTED]**

10
11 On 6-19-13, at approximately 1202 hours, I spoke with [REDACTED] on the telephone. [REDACTED]
12 [REDACTED] was one of the Sears Loss Prevention Agents who witnessed the theft by both suspects and
13 placed them under citizen's arrest. I described this incident to [REDACTED] and asked him if he
14 remembered the incident. I audio recorded this interview. [REDACTED] provided me with the
15 following information.
16

17 [REDACTED] remembered this incident and stated that he was subpoenaed and testified
18 in a court trial for Suspect-[REDACTED] [REDACTED] remembered that Off. Sisco
19 responded to the store and investigated this incident. [REDACTED] remembered Off.
20 Sisco and described her as the "young blonde girl". [REDACTED] remembered that Off.
21 Sisco interviewed the suspects at Sears but he had no recollection of what the suspects
22 told Off. Sisco. [REDACTED] stated that when he went to court he saw Off. Sisco at
23 court. [REDACTED] did not see Off. Sisco testify. [REDACTED] did not know the
24 disposition of the case or what Deputy District Attorney handled the case. [REDACTED]
25 recently stopped working at Sears because he got a better job for a painting company.
26

27 On 6-20-13, at approximately 0920 hours, I spoke with Deputy District Attorney (DDA)
28 Shawanalyse Ochoa who is assigned to the Juvenile Prosecution Unit of the District Attorney's
29 Office. DDA Ochoa told me that both [REDACTED] and [REDACTED] were charged with
30 felony burglary as a result of this incident under Petition number [REDACTED] [REDACTED] pled
31 guilty to felony burglary and was sentenced to probation and released to the care of her father.
32 [REDACTED] was convicted of felony burglary during a court trial on 3-18-13. Both [REDACTED]
33 [REDACTED] and Off. Sisco testified during the hearing. DDA Barry Shipero was the DDA that handled
34 the prosecution. [REDACTED] was sentenced to 90 days in the STOP Program. I requested
35 from DDA Ochoa a copy of the transcript of the trial held on 3-18-13. DDA Ochoa told me that
36 she would research how I could obtain the transcript and call me back.
37

38 **Interview of Deputy District Attorney Barry Shapiro**

39
40 On 6-26-13, at approximately 1120 hours, I spoke on the telephone with DDA Barry Shapiro.
41 DDA Barry Shapiro preferred that I not audio record our conversation so this interview was not
42 recorded. DDA Barry Shapiro provided me with the following information regarding this case.
43

DDA Barry Shapiro remembered this case and was the prosecutor for the court trial of Suspect- [REDACTED]. DDA Barry Shapiro noted that in Off. Sisco's police report Off. Sisco stated that [REDACTED] admitted that she went to the store with the intent to steal. This was significant to DDA Barry Shapiro due to [REDACTED] being charged with burglary. DDA Barry Shapiro called Off. Sisco as a witness during the court trial of [REDACTED] specifically to have Off. Sisco testify to [REDACTED] statement. DDA Barry Shapiro stated that Off. Sisco did not equivocate from her statement that was recorded in the police report. DDA Barry Shapiro stated that the only issue raised by defense counsel was that there was no surveillance video of the theft. DDA Barry Shapiro did not recall any conflict regarding Off. Sisco's assertion of [REDACTED] statement.

Interview of Officer Burns

On 6-26-13, at about 1625 hours, Sgt. Jackowski and I conducted an interview with Off. Burns in my office at the Carlsbad Police Station. Off. Burns was accompanied by Sgt. Lehan as her representative. Off. Burns was ordered to provide full and complete answers to all of our questions under the penalty of insubordination and the resulting punishment. Off. Burns stated she understood this order. I audio recorded the interview. The interview was concluded at approximately 1631 hours. Prior to the interview I allowed Off. Burns to review Off. Sisco's arrest and crime report that was prepared to document this incident. Off. Burns provided us with the following information.

Off. Burns remembered that she responded to this shoplift incident and served as a cover officer for Off. Sisco while at Sears. Off. Burns did not have a clear recollection of the incident because of the time that has transpired. Off. Burns believed that Off. Sisco interviewed the two juvenile female suspects but she had no recollection of the specific statements the suspects gave. Off. Burns never spoke with Off. Sisco about this shoplifting case after Off. Burns left Sears. I asked Off. Burns if she remembered the suspects making any statements indicating that they came to the store with the intent to steal. Off. Burns said she vaguely remembered the suspects saying something like that. Off. Burns could not provide any additional information regarding this incident.

At the conclusion of the interview, Off. Burns was ordered per a printed Carlsbad Police Interview Admonition for Peace Officers, to not discuss this interview or investigation with anyone except authorized personnel. Off. Burns stated that she understood this order.

Review of the trial transcript

On 7-31-13, I reviewed a copy of the transcript of [REDACTED] trial that was held on 3-18-13 regarding this burglary incident. The transcript was prepared by Official Court Reporter Judith Moreno and forwarded to me pursuant to a court order by District Attorney's Office Juvenile Division Chief's Secretary Arlene Martinez. A review of the transcript provided the following information.

1 Off. Sisco was called as a witness and sworn in prior to testifying (page 40). Off. Sisco
2 used her notebook to Mirandize [REDACTED] (page 44). During her interview with
3 [REDACTED] Off. Sisco reported, "I asked if she knew she was going to come to the
4 mall and take the items, and she said she had because she wanted new clothes, and she
5 had never intended to pay for them before she came to the mall." (page 46) During
6 cross examination, Defense Attorney Jaymes Sanford asked Off. Sisco if she had spoken
7 to Suspect- [REDACTED] first. Off. Sisco said, yes. Off. Sisco was asked, "When you
8 spoke with Ms. Ramirez, did you take any notes?" Off. Sisco replied, "No." (page 49)
9

10 11 *Interview of Sergeant Chase*

12
13 On 8-15-13, at about 1507 hours, Off. Calderwood and I conducted an interview with Sgt. Chase
14 in my office at the Carlsbad Police Station. Sgt. Chase was not accompanied by a
15 representative. Sgt. Chase was ordered to provide full and complete answers to all of our
16 questions under the penalty of insubordination and the resulting punishment. Sgt. Chase
17 stated she understood this order. I audio recorded the interview. The interview was concluded
18 at approximately 1519 hours. Prior to the interview I allowed Sgt. Chase to review her written
19 Supervisor's Complaint Summary that she prepared regarding this incident. Sgt. Chase
20 provided us with the following information.

21
22 Sgt. Chase remembers this incident. Sgt. Chase stated that she reviewed Off. Sisco's
23 initial arrest report for this incident while Off. Sisco was transporting the suspects to
24 Juvenile Hall to be booked. During Sgt. Chase's review of Off. Sisco's report, Sgt. Chase
25 felt that the report had insufficient details related to the intent of the suspects when
26 they entered the store. Sgt. Chase believed that to support an arrest for burglary, Off.
27 Sisco needed further details in the report related to the suspects' intent prior to
28 entering the store. Sgt. Chase called Off. Sisco on the telephone as Off. Sisco was
29 driving to Juvenile Hall.

30
31 Sgt. Chase asked Off. Sisco if the suspect possessed evidence related to their intent such
32 as a booster box. Off. Sisco said, no. Sgt. Chase asked Off. Sisco if the suspects made
33 any statements regarding their intent when they entered the store. Off. Sisco told Sgt.
34 Chase that she could not remember and she would have to check her notes. I asked Sgt.
35 Chase if she was positive that Off. Sisco mentioned checking her notes for the interview.
36 Sgt. Chase said she was one-hundred percent positive that Off. Sisco said she was going
37 to check her notes related to her interviews of the suspects. Sgt. Chase instructed Off.
38 Sisco to amend the report if she found additional information related to the suspects'
39 intent. Sgt. Chase did not remember having any further conversations with Off. Sisco
40 regarding this case.

41
42 Sgt. Chase was not sure if she placed Off. Sisco's initial report back in the 'pending' box
43 near the patrol sergeants' office or if she put the report in the shred box in the
44 sergeants' office.

1
2 Later that night, Sgt. Chase quickly checked Off. Sisco's amended report that was in the
3 'in box' near the sergeants' office. Sgt. Chase noticed that Off. Sisco had added a
4 portion to each suspects' statement. The new information attributed to each suspect
5 seemed very similar to Sgt. Chase. The fact that the additional information seemed
6 nearly identical for each suspect was suspicious to Sgt. Chase. Sgt. Chase left work early
7 that night and did not officially approve Off. Sisco's report.
8

9 Sgt. Chase never spoke with Off. Sisco regarding her suspicions related to Off. Sisco's
10 report. Sgt. Chase never saw any notes possessed by Off. Sisco.
11

12 At the conclusion of the interview, Sgt. Chase was ordered per a printed Carlsbad Police
13 Interview Admonition for Peace Officers, to not discuss this interview or investigation with
14 anyone except authorized personnel. Sgt. Chase stated that she understood this order.
15

16 ***Interview of Officer Sisco***
17

18 On 9-3-13, at approximately 0911 hours, Off. Calderwood and I interviewed Off. Sisco in a
19 meeting room located at the City of Carlsbad Human Resources Department, 1635 Faraday
20 Ave., Carlsbad. Off. Sisco was accompanied by Attorney Gomez and Graduate Law Clerk
21 Arambula. Due to the potential for criminal charges against Off. Sisco, I read Off. Sisco her
22 Miranda rights per the printed script. Off. Sisco stated she understood her rights and refused to
23 speak voluntarily with us. I then ordered Off. Sisco to provide full and complete answers to all
24 of our questions under the penalty of insubordination and the resulting punishment. Off. Sisco
25 stated she understood this order. I audio recorded the interview. The interview was concluded
26 at approximately 1002 hours. Off. Sisco provided us with the following information. This
27 interview recording was transcribed. See the transcription for complete details.
28

29 Off. Sisco remembers this incident. Off. Sisco responded to Sears to investigate two
30 juvenile females who were in custody for shoplifting. Off. Burns covered Off. Sisco on
31 this call. When Off. Sisco arrived, she spoke with both Loss Prevention Agents and got a
32 synopsis of the incident. Off. Sisco then Mirandized each of the juveniles separately by
33 reading from her PD145 notebook. Off. Sisco stated that she carried the notebook in
34 her pocket. After reading them their rights, she asked each of them if they understood
35 the rights she read to them. They both said, "Yes". She then asked each of them if they
36 were willing to talk with her and they both said, "Yes". Off. Sisco stated that she either
37 noted each of the suspects' responses to her questions in her notebook or on the arrest
38 face sheet.
39

40 Off. Sisco interviewed each suspect separately. I asked Off. Sisco how she captured
41 what the suspect was saying and Off. Sisco stated she wrote notes in her notebook. The
42 following is an excerpt from page 6 of the transcript of Off. Sisco's interview.

Sgt. Williams: Okay. Then after you interviewed, did you interview each, one of them at a time?

Officer Sisco: Yes.

Sgt. Williams: Okay, but you're not sure which one first. When you were interviewing them, how did you capture what they were saying to you?

Officer Sisco: I wrote it down.

Sgt. Williams: Where would you have written it down at?

Officer Sisco: In my PD145 notebook.

Sgt. Williams: Okay. So as you're questioning them, you are writing in your notebook what they are saying to you, so that you can then incorporate that into a police report?

Officer Sisco: Yes.

I then asked Off. Sisco how she used the notes she took to prepare her report. The following is an excerpt from pages 6 and 7 of the transcript of Off. Sisco's interview.

Sgt. Williams: Okay. So explain how you used those, how in this case you used those notes to then write your report.

Officer Sisco: I asked them a series of questions that I usually ask everybody, because I was the four beat, and I'd ask them, I'd just write down, scribble notes that I'm going to be able to understand when I go back and write my report, because we write ... Those reports don't have to be turned in usually that night, so I always write down their answers. That way I can go back and write my report whenever need be.

Sgt. Williams: Okay. So as you're interviewing each of these juveniles, you're just using your notebook to write down shorthand-type, so that you remember what they were saying, and then you use those notes to incorporate into the police report?

Officer Sisco: Yes. If I believe it's going to be a quote that needs to be used, I make sure I write it down word for word.

Off. Sisco stated that she interviewed the suspects with the desire to determine what their intent was as they entered the store. Off. Sisco explained the difference between shoplifting and burglary.

1 I asked Off. Sisco where her notebook is that she used to write the notes in this case.
2 Off. Sisco stated that she did not know. Off. Sisco said that the notebook could be in her
3 patrol car, locker, gear bag, or it could be thrown away. Off. Sisco stated that she was
4 not using the same notebook when she was placed on Administrative Leave as she was
5 using during this incident. Off. Sisco stated that she frequently went through
6 notebooks.

7 After interviewing the suspects, Off. Sisco determined that there was probable cause to
8 arrest the juveniles for burglary. Off. Sisco then transported them to the station where
9 she completed the necessary paperwork for juvenile hall. Off. Sisco did not remember
10 what specific paperwork she completed for juvenile hall.

11
12 I relayed to Off. Sisco what Sgt. Chase had provided regarding how Sgt. Chase contacted
13 Off. Sisco to discuss changes needed to Off. Sisco's report. Off. Sisco denied that Sgt.
14 Chase had called her as she drove to juvenile hall to discuss Off. Sisco's report. Off.
15 Sisco believes that either before or after Off. Sisco went to juvenile hall, Sgt. Chase told
16 her that she needed to modify the report. Off. Sisco remembered telling Sgt. Chase that
17 she needed to check her notes before modifying the report. The following is an excerpt
18 from page 16 of the transcript of Off. Sisco's interview.

19 *Sgt. Williams: Okay. Earlier, just now, I thought you had said that she brought up some*
20 *issues that she wanted dealt with in the report, and you said that you had*
21 *to go change ... You had to go check your notes to see what was said, and*
22 *then you made some changes.*

23 *Officer Sisco: I said that she wanted me to clear up something that I had already*
24 *written, she wanted me to dumb it down. She gave me the terminology*
25 *to use. Without just saying, "I'm going to use your terminology," I went*
26 *out and said, "I need to check my notes."*

27 The following is an excerpt from later on page 16 of the transcript.

28 *Sgt. Williams: Okay. In this case, did you go check your notes?*

29 *Officer Sisco: Yes.*
30

31 I then questioned Off. Sisco regarding where she went to check her notes in this case.
32 The following is an excerpt from page 18 of the transcript of Off. Sisco's interview.

33 *Sgt. Williams: Okay. So she brings up the issues to you, that she interpreted as being*
34 *potential issues, you go ... Do you remember where you went to check*
35 *your notes?*

36 *Officer Sisco: Out to my car.*

1 *Sgt. Williams: Was your car in the back lot?*

2 *Officer Sisco: Yes.*

3 *Sgt. Williams: Okay. So after speaking with her, you were in the back lot, you check your*
4 *notes, you make some sort of modification to your report that makes it*
5 *acceptable to Sergeant Chase, and then you submit it? Is that true?*

6 *Officer Sisco: Yes.*

7
8 I questioned Off. Sisco regarding her testimony in the juvenile court trial on March 18th,
9 2013. Off. Sisco remembered testifying in that case and being under penalty of perjury
10 during the testimony. I asked Off. Sisco questions regarding the portion of her
11 testimony where she was questioned by the defense attorney regarding whether she
12 took notes while interviewing one of the juveniles. The following is an excerpt from
13 page 25 of the transcript of Off. Sisco's interview.

14 *Sgt. Williams: All right. Do you remember being asked by the Defense Attorney, "When*
15 *you spoke with Ms. Ramirez, did you take any notes?" And before that,*
16 *he was talking about your questioning them? Do you remember being*
17 *asked if you took notes by the Defense Attorney?*

18 *Officer Sisco: I don't remember.*

19 *Sgt. Williams: Okay. The transcript of the recording of the hearing captured your*
20 *response as being, "No." So there was questions regarding did you*
21 *question them, and you said, "Yes." "And when you spoke with Ms.*
22 *Ramirez, did you take any notes?" And you said, "No."*

23 *Officer Sisco: Okay.*

24 *Sgt. Williams: Do you remember saying that?*

25 *Officer Sisco: I don't remember saying that, no.*

26 *Sgt. Williams: Okay, well, let's assume you did, because it's captured in the transcript in*
27 *the recordings of the court hearing. Is that factual?*

28 *Officer Sisco: No.*

29 *Sgt. Williams: Why did you say something not factual under penalty of perjury?*

30 *Officer Sisco: Like I just said, I don't recall saying that.*
31

1 The following is an excerpt from page 26 of the transcript of Off. Sisco's interview.

2 *Officer Sisco: I obviously probably got caught up and made a mistake. I never intended*
3 *to lie, or to answer, "No." Maybe at that time I didn't remember? I don't*
4 *know.*

5 *Sgt. Williams: Can you explain why you wouldn't remember on March 18th, which is less*
6 *than a month after the incident, but so clearly today you remember*
7 *reviewing your notes?*

8 *Officer Sisco: Because I ... I know that I did take notes.*

9 *Sgt. Williams: Then why did you say to the Defense Attorney you didn't.*

10 *Officer Sisco: I don't recall. I most likely made a mistake. He was asking a lot of*
11 *questions, I probably got confused and made a mistake.*

12 *Sgt. Williams: Okay. So you have no doubt in your mind that you did take notes when*
13 *you investigated this case.*

14 *Officer Sisco: Yes.*

15
16 At the conclusion of the interview, Off. Sisco was ordered per a printed Carlsbad Police
17 Interview Admonition for Peace Officers, to not discuss this interview or investigation with
18 anyone except her legal representative, medical or mental health professionals, family
19 members or clergy. Off. Sisco stated that she understood this order.

20
21 I advised Off. Sisco that I intended to do an administrative search of her locker and equipment
22 storage bin. I offered her the opportunity to meet me at the station with her attorney so that
23 she could be present during the search. Off. Sisco and her attorney agreed to meet at the
24 station.

25
26 On 9-3-13, at approximately 1030 hours, Off. Calderwood and I met with Off. Sisco and her
27 attorney in the lobby of the station. We walked to the equipment storage area and found Off.
28 Sisco's bin was empty. Off. Sisco did find a plastic file box containing miscellaneous papers on
29 top of the storage bins that belonged to her. Off. Sisco and I reviewed the contents and
30 determined that none of them were related to this investigation. Off. Sisco disposed of the
31 contents of the file box and retained the box. We then went to Off. Sisco's locker. Inside Off.
32 Sisco's locker I found three officer's notebooks and four field interview pads that contained
33 handwritten notes. I retained the notebooks and pads. Further review of these notebooks and
34 pads revealed no information related to this investigation. One of the field interview pads was
35 completely empty. I photocopied all writings contained within each notebook and pad, see the
36 attached copies of the contents for further information. Off. Sisco retained all personal items
37 stored within the locker.

On 9-3-13, I received an email from District Attorney's Office, Juvenile Division Chief's Secretary Arlene Martinez. The email contained all police reports retained by both the District Attorney's Office and the Probation Department regarding this case. Arlene also confirmed that juvenile hall does not possess any police reports regarding this incident. I reviewed the documents and found that the police report possessed by the District Attorney's Office is the same report retained by CPD. The District Attorney's Office also possessed signed Probable Cause Declarations signed by Off. Sisco on 2-20-13. See the attached information for further details.

ANALYSIS AND CONCLUSION

On 3-21-13, Sgt. Chase filed the aforementioned Supervisor's Complaint Summary regarding Off. Sisco's conduct on 2-20-13. As a result of that complaint, the following allegations are appropriate for consideration and analysis. The following analysis deals with each allegation separately. I have attempted to associate all relevant facts obtained from witness statements, subject officer statement, court records, and associated documents with the appropriate allegation.

Allegation 1

340.3.5 (i) - PERFORMANCE

(i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

Analysis: Off. Sisco and Sgt. Chase both agree that on 2-20-13, Off. Sisco told Sgt. Chase that she needed to check her notes regarding this investigation prior to making any modifications to her report. Sgt. Chase had asked if the suspects had made incriminating statements regarding their intent when they entered the store. In Off. Sisco's interview, she stated that she specifically remembers reviewing her notes inside her patrol vehicle in the back parking lot of the station immediately after speaking with Sgt. Chase. Per Off. Sisco, after reviewing her notes, Off. Sisco made modifications to her report as it related to one of the suspect's statements. Off. Sisco then re-submitted her report. On 3-18-13, Off. Sisco testified in a juvenile court trial regarding this incident and was asked by the defense attorney if she took notes while interviewing one of the suspects. Off. Sisco said, "No". On 9-3-13, during Off. Sisco's interview, Off. Sisco agreed that she had not testified accurately. Off. Sisco did not know why she testified inaccurately.

Allegation 2

Policy 340.3.5 (o) - PERFORMANCE

(o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.

Analysis: Please see the analysis of allegation 1. If Off. Sisco is found to have testified inaccurately, potentially in violation of perjury statutes, Off. Sisco might have violated this allegation.

Allegation 3**Policy 340.3.5 (p) - PERFORMANCE**

(p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.

Analysis: Please see the analysis of allegation 1.

Allegation 4**Policy 340.3.5 (aa) - PERFORMANCE**

(aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.

Analysis: Please see the analysis of allegation 1.

Allegation 5**Policy 340.3.5 (ad) - PERFORMANCE**

(ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

Analysis: Please see the analysis of allegation 1.

Allegation 6**Policy 340.3.5 (m) - PERFORMANCE**

(m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

To wit:

344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content

1 *is not the responsibility of the typist. Employees who generate reports on computers are subject*
2 *to all requirements of this policy.*

3
4 *All reports shall accurately reflect the identity of the persons involved, all pertinent information*
5 *seen, heard or assimilated by any other sense, and any actions taken. Employees shall not*
6 *suppress, conceal or distort the facts of any reported incident, nor shall any employee make a*
7 *false report orally or in writing. Generally, the reporting employee's opinions should not be*
8 *included in reports unless specifically identified as such.*

9
10 **Analysis:** Off. Sisco relayed in her interview that her written report is factual and accurate. I
11 have not identified any evidence to the contrary as it relates to Off. Sisco's written report.
12 During Off. Sisco's interview, she acknowledged that she was inaccurate while providing oral
13 testimony during a juvenile court trial.

14
15 I, Sgt. Williams, respectfully submit this report for review and disposition.

16
17
18 Submitted by: M. WILLIAMS #5221 9-19-13
19 Internal Affairs Sergeant Mickey Williams Date
20 Professional Standards and Services Division

21
22 Approved by: J. Jackowski #5277 9-18-13
23 Internal Affairs Sergeant Jason Jackowski Date
24 Professional Standards and Services Division
25

C

CARLSBAD POLICE DEPARTMENT
2560 ORION WAY, CARLSBAD, CA 92010

SUPERVISOR'S COMPLAINT SUMMARY

TO BE COMPLETED BY LIEUTENANT OR SERGEANT

COMPLAINANT'S NAME		DATE OF BIRTH	HOME PHONE
Sgt. Jade Chase			
COMPLAINANT'S ADDRESS	CITY	STATE	ZIP
LOCATION OF INCIDENT		CITY	ZIP
2561 El Camino Real, Carlsbad CA 92008			
NAME(S) OF POLICE PERSONNEL INVOLVED		DATE AND TIME OF INCIDENT	
Officer Taryn Sisco		2-20-13 @ 1838 hours	
BRIEF NARRATIVE OF COMPLAINT			
See attached narrative			
CONTINUE ON ADDITIONAL SHEETS IF NECESSARY			
EMPLOYEE RECEIVING COMPLAINT: <u>Lt. Mendes</u>			
TIME & DATE: <u>3-21-13</u>			
<input type="checkbox"/> IN PERSON <input type="checkbox"/> U.S.MAIL <input type="checkbox"/> MESSENGER/CERTIFIED MAIL <input type="checkbox"/> OTHER: _____			
PROFESSIONAL STANDARDS USE ONLY			
REVIEWED BY: <u>Lt. Mendes</u> DATE: <u>3-21-13</u> I.A. CASE # <u>13-IA-08</u>			
NATURE: <input type="checkbox"/> Use of Force, <input checked="" type="checkbox"/> Honesty, <input type="checkbox"/> Race/Bias, <input type="checkbox"/> Civil Rights, <input type="checkbox"/> Other:			
ASSIGNED FOR INVESTIGATION			
<input checked="" type="checkbox"/> Yes, assigned to: <u>Sgt. Williams</u>			
<input type="checkbox"/> No, complaint RESOLVED per Department Policy.			
Officer's acknowledgement: _____ Date: _____			
Division Commander: _____ Date: _____			

03/21/13

On 02/20/13, I reviewed a crime and two arrest reports submitted by Officer Sisco (Case #1301100). The call came in as a shoplift (490 PC) with two juveniles in custody at Sears. Officer Sisco arrested the two juveniles for 460 PC Burglary. After reading the report, it did not meet the elements of the crime for Burglary. The original report that she turned in for review stated that neither juvenile had money to pay for the items that they stole and that they admitted to stealing the items. I spoke with Officer Sisco on the telephone and informed her that her report was "really thin" and lacked the elements of burglary. I told Officer Sisco that she needed to show that the juveniles entered with the specific intent to commit the crime. I asked her if they brought "booster bags" with them. She said they did not. I informed her that just because they did not have money with them did not mean that they planned to commit the burglary. In order for the crime to meet the elements of burglary she needed to show by their actions or statements that they planned to commit the crime before they entered the building (specific intent). I asked Officer Sisco if the juveniles admitted to planning the theft. Officer Sisco said that she could not "remember" if they made those admissions and that she would have to look at her notes. I thought it was odd that Officer Sisco could not remember if either juvenile admitted to planning the theft since she just took the case (within hours) and that it is a crucial element to the crime. I told Officer Sisco to check her "notes" and keep me informed. I told her to update her report if she found any statements in her notes that would support the burglary charge and if not let me know so we could cross that bridge if necessary.

Officer Sisco later turned in the crime and arrest reports that Sgt. Beronda signed off on. I believe I looked over the suspect statements just prior to leaving (it was my 8 hour night). I was surprised to see that the juveniles' statements both suddenly had admissions that they planned to steal the items before they went to the mall. This raised my suspicions that Officer Sisco may have distorted the facts in her written report in violation of CBPD Policy 3.44.1.1 and feel that it should be investigated to clarify.

Sgt. Jade Chase #5348

D

CONFIDENTIAL

CARLSBAD POLICE DEPARTMENT INTERNAL AFFAIRS INVESTIGATION #13-IA-08

WITNESS LIST

Name

Telephone

(Witness)

(Work)

Work: Sears
2561 El Camino Real
Carlsbad CA 92008

(Witness)

(Cell)

Deputy District Attorney Barry Shapiro
2901 Meadowlark Drive
San Diego CA 92123

858-694-4234 (Work)

Officer Casey Burns (Witness)
Carlsbad Police Department
2560 Orion Way
Carlsbad, CA 92010

760-931-2197 (Work)

Sergeant Jade Chase (Witness)
Carlsbad Police Department
2560 Orion Way
Carlsbad, CA 92010

760-931-2136 (Work)

Sergeant Mickey Williams (Investigator)
Carlsbad Police Department
2560 Orion Way
Carlsbad, CA 92010

760-931-2178 (Work)

Officer Christie Calderwood (Investigator)
Carlsbad Police Department
2560 Orion Way
Carlsbad, CA 92010

760-931-2216 (Work)

E

SAN DIEGO REGIONAL
ARREST/JUVENILE CONTACT REPORT

AGENCY NUMBER

13-01100

X ARREST REPORT

REPORTING OFFICER

T. SISCO

I.D.

5426

DIVISION

PA-7

REPORT DATE

02-20-13

TIME

1112

REPORT APPROVED

R. [Signature]

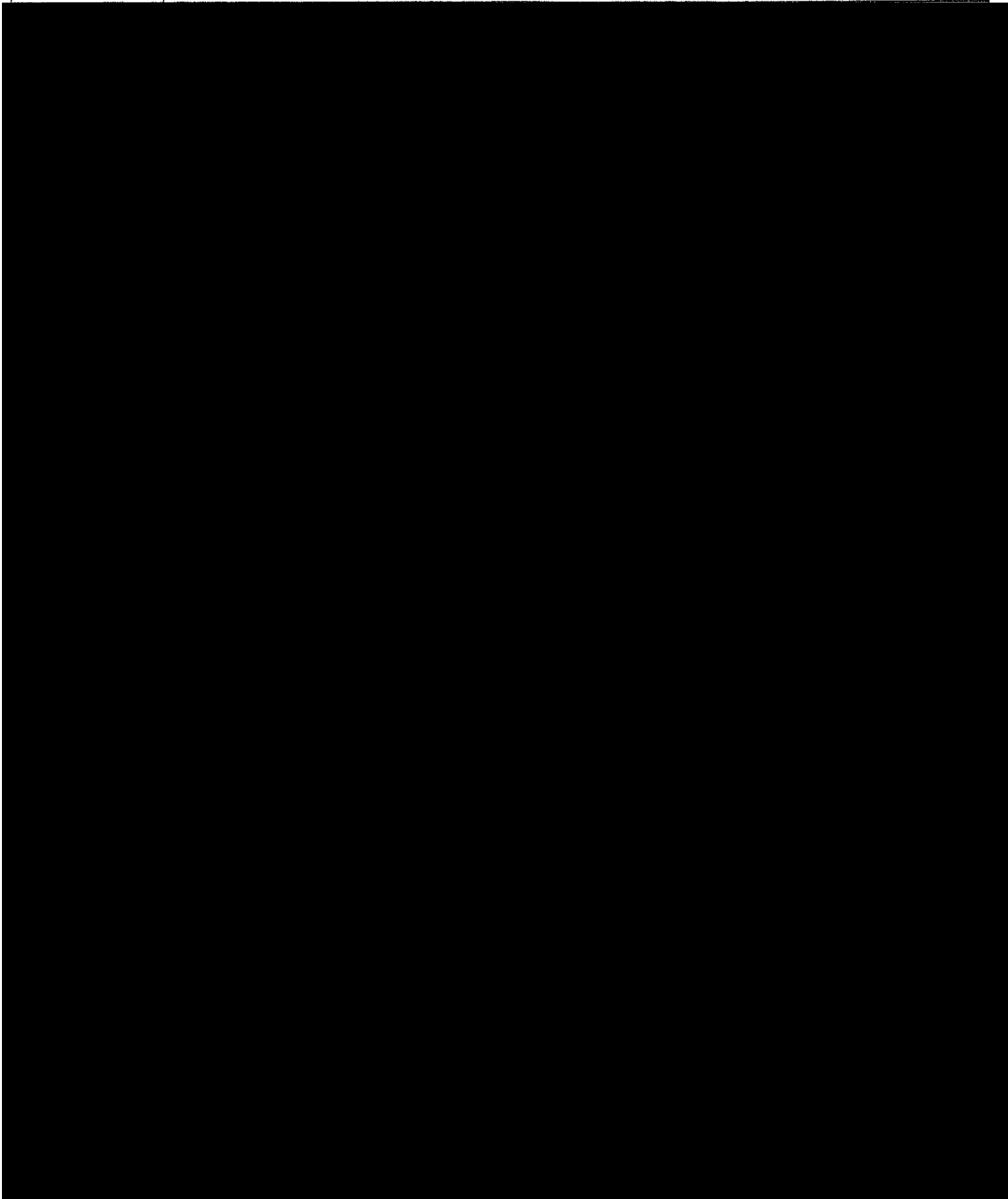
I.D.

5265

BOOKING APPROVED

RACE	A= OTHER ASIAN	D= CAMBODIAN	H= HISPANIC	K= KOREAN	P= PACIFIC	U= HAWAIIAN	Z= ASIAN
CODE	B= BLACK	F= FILIPINO	I= INDIAN	L= LAOTIAN	ISLANDER	V= VIETNAMESE	INDIAN
LEGEND	C= CHINESE	G= GUAMANIAN	J= JAPANESE	O= OTHER	S= SAMOAN	W= WHITE	

AGENCY NUMBER
13-01100



SAN DIEGO REGIONAL
ARREST/JUVENILE CONTACT REPORT

AGENCY NUMBER

13-01100

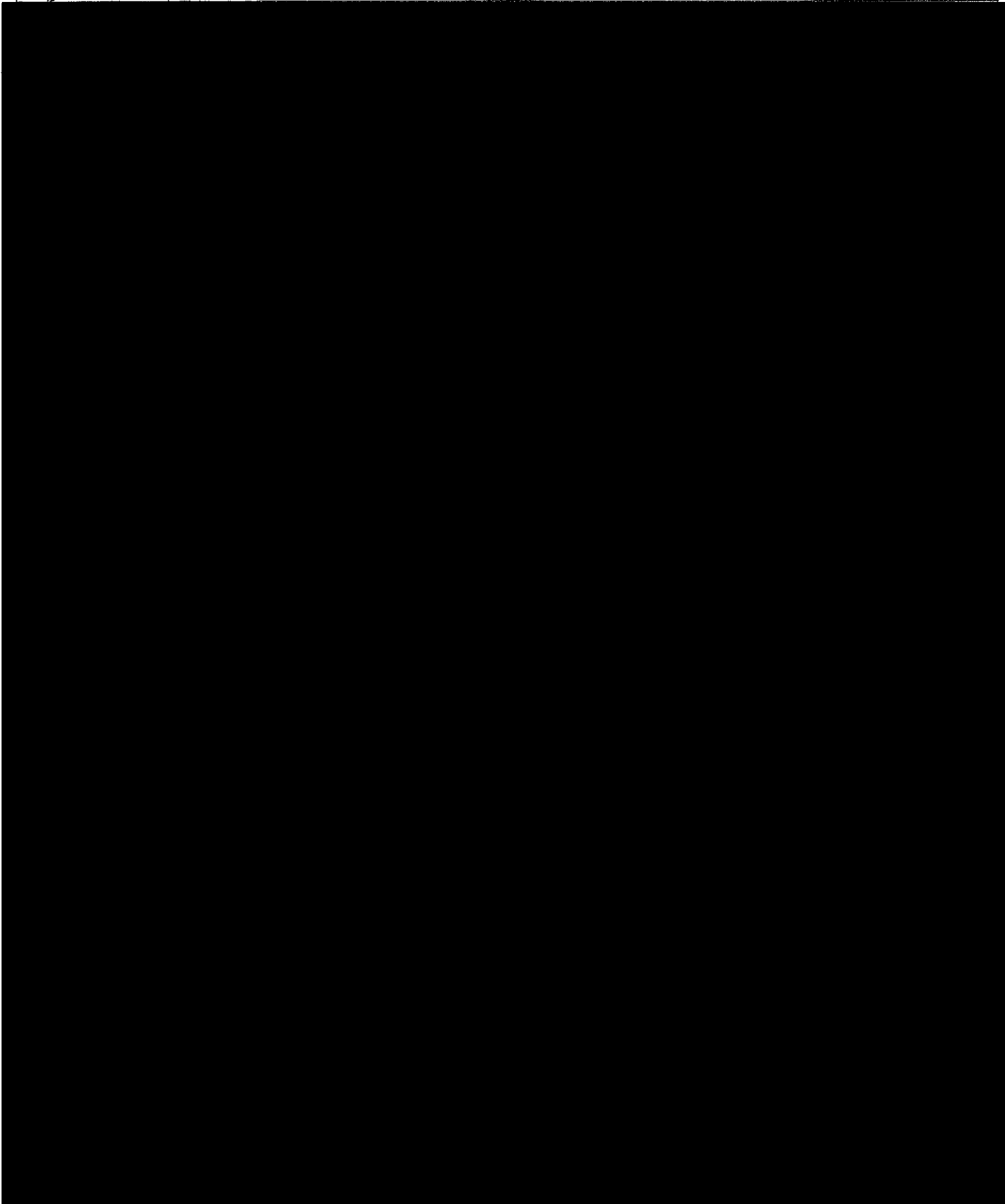
X ARREST REPORT

REPORTING OFFICER	I.D.	DIVISION	REPORT DATE	TIME	REPORT APPROVED	I.D.	BOOKING APPROVED
TSISC	S426	PA7	02-20-13	1412	R. EL	SELT	

RACE	A= OTHER ASIAN	D= CAMBODIAN	H= HISPANIC	K= KOREAN	P= PACIFIC	U= HAWAIIAN	Z= ASIAN
CODE	B= BLACK	F= FILIPINO	I= INDIAN	L= LAOTIAN	ISLANDER	V= VIETNAMESE	INDIAN
LEGEND	C= CHINESE	G= GUAMANIAN	J= JAPANESE	O= OTHER	S= SAMOAN	W= WHITE	

AGENCY NUMBER

13-01100

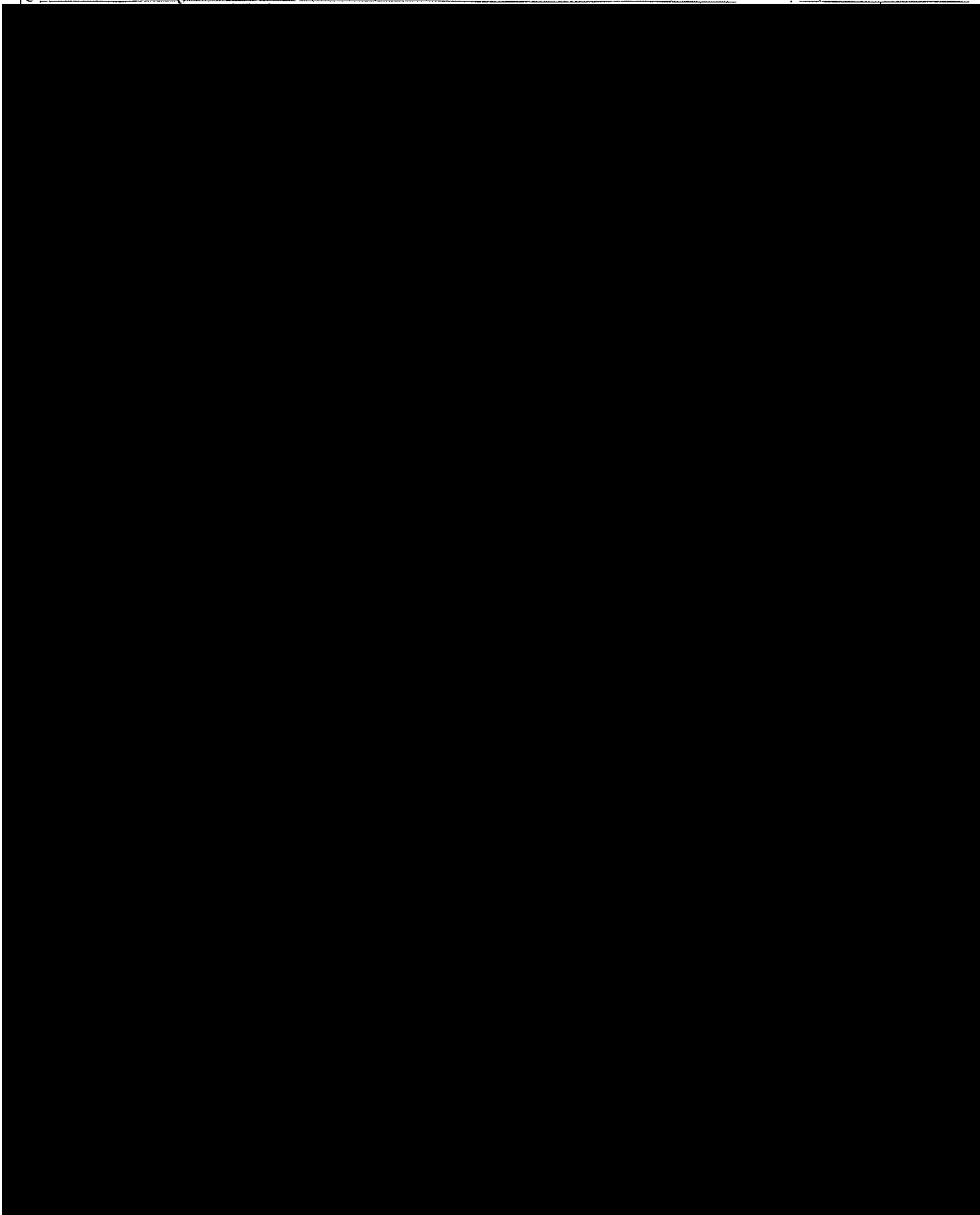


RELATED REPORTS	ADDNL PROPERTY	ADDNL LISTED	NSF A
<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N

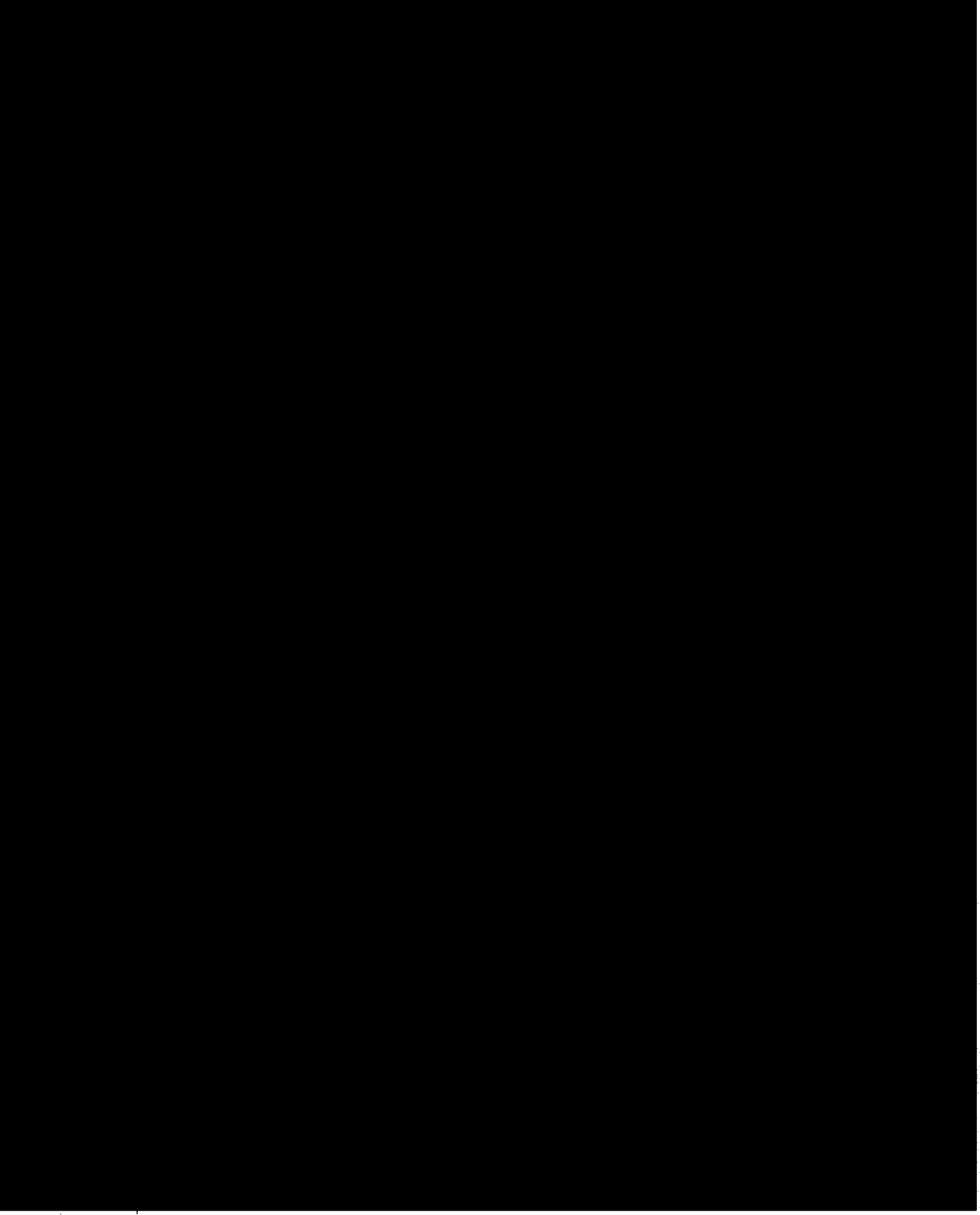
SAN DIEGO REGIONAL
CRIME / INCIDENT REPORT

PAGE
1 of 5

CASE NUMBER
13-01160



RACE A= OTHER ASIAN D= CAMBODIAN H= HISPANIC K= KOREAN P= PACIFIC U= HAWAIIAN Z= ASIAN
CODE B= BLACK F= FILIPINO I= INDIAN L= LAOTIAN ISLANDER V= VIETNAMESE INDIAN
LEGEND C= CHINESE G= GUAMANIAN J= JAPANESE O= OTHER S= SAMOAN W= WHITE



☒ A CASE ADDITIONS . .

☐ D CASE DELETIONS

☐ C CASE CHANGES

SAN DIEGO REGIONAL
ADDITIONAL VICTIMS AND/OR WITNESSES
AND/OR OTHER PEOPLE ASSOCIATED WITH THE CRIME

PAGE	CASE NUMBER
1	18-1182

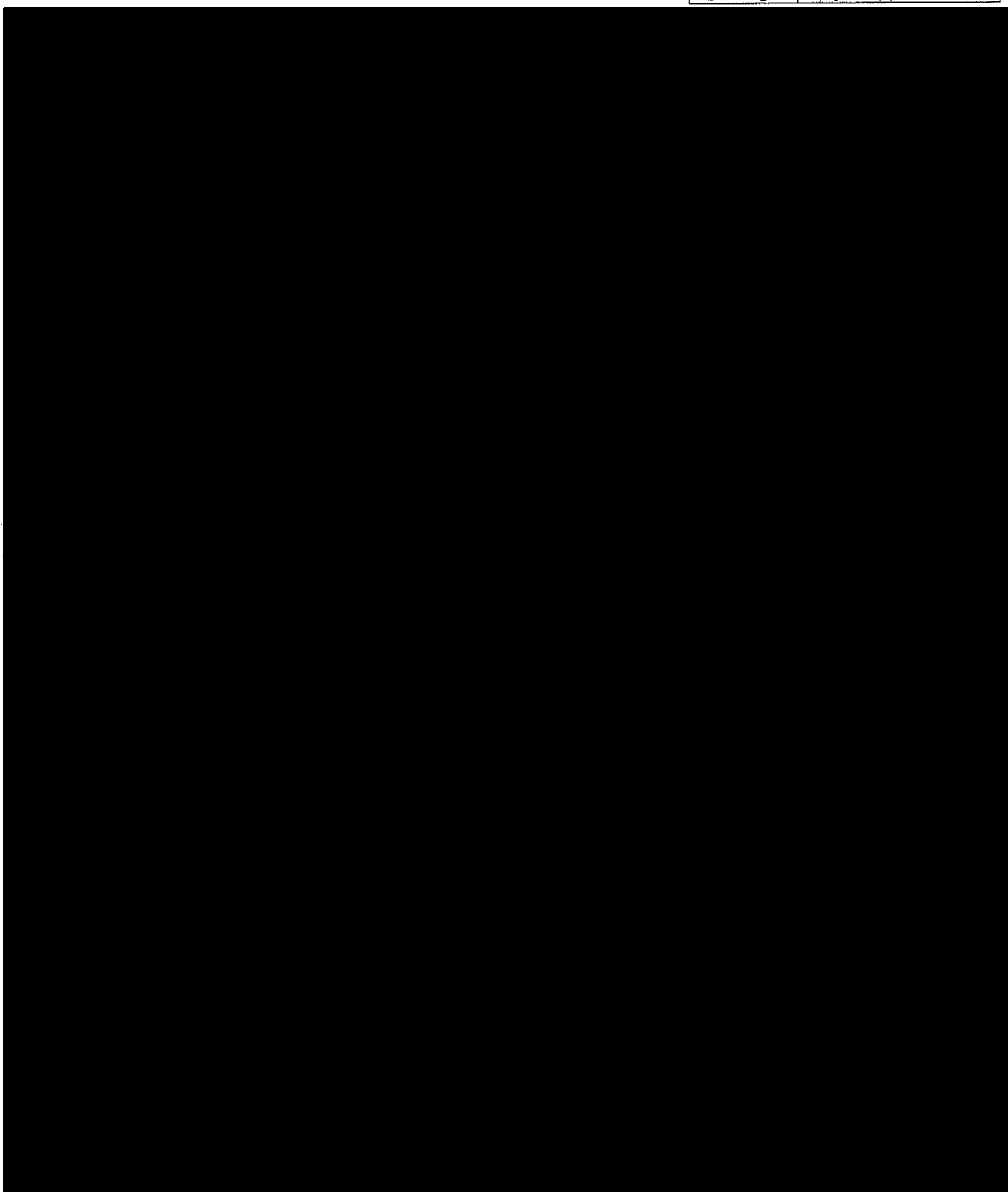
☒ A CASE ADDITIONS ..

☐ D CASE DELETIONS

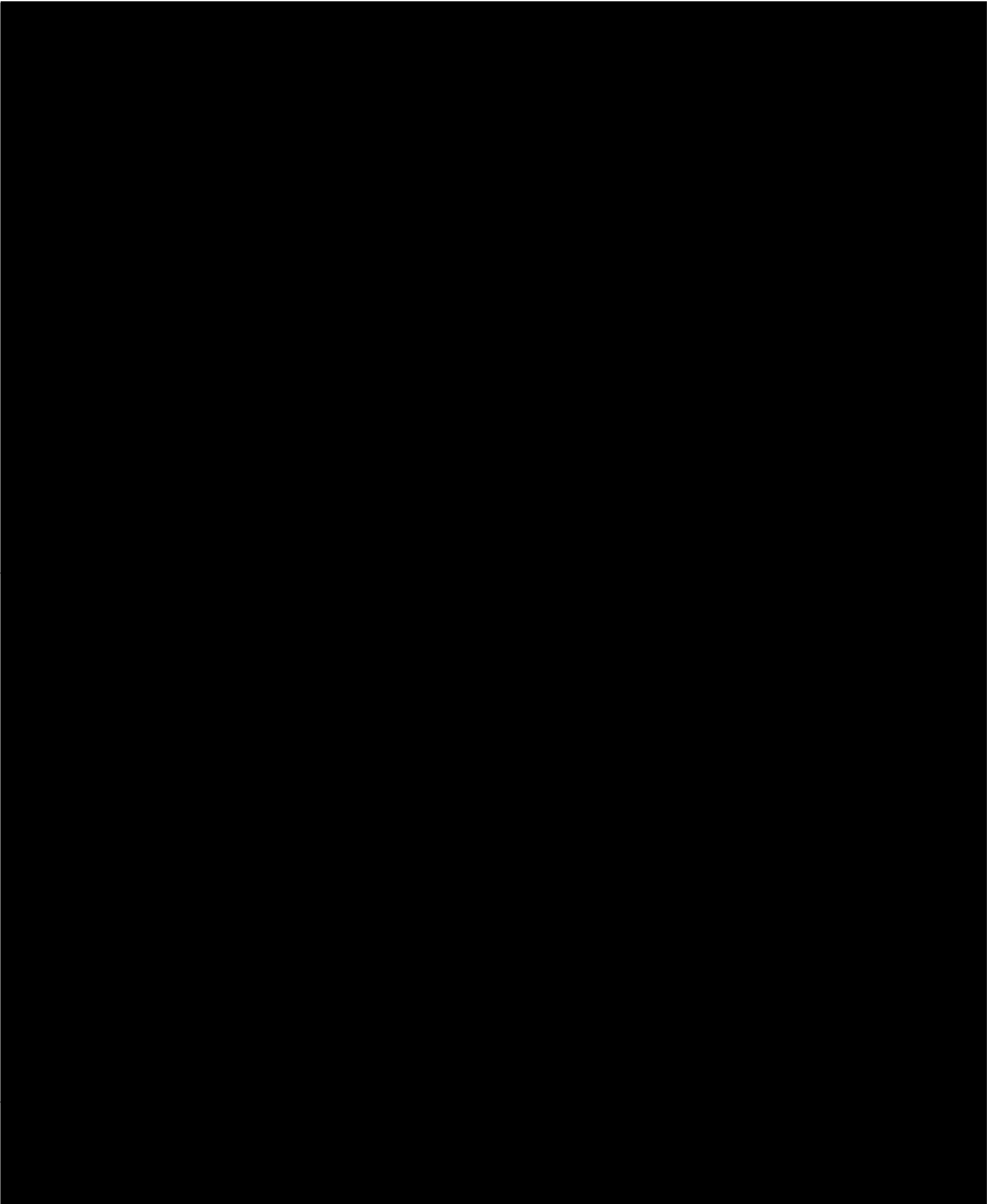
☐ C CASE CHANGES

SAN DIEGO REGIONAL
ADDITIONAL VICTIMS AND/OR WITNESSES
AND/OR OTHER PEOPLE ASSOCIATED WITH THE CRIME

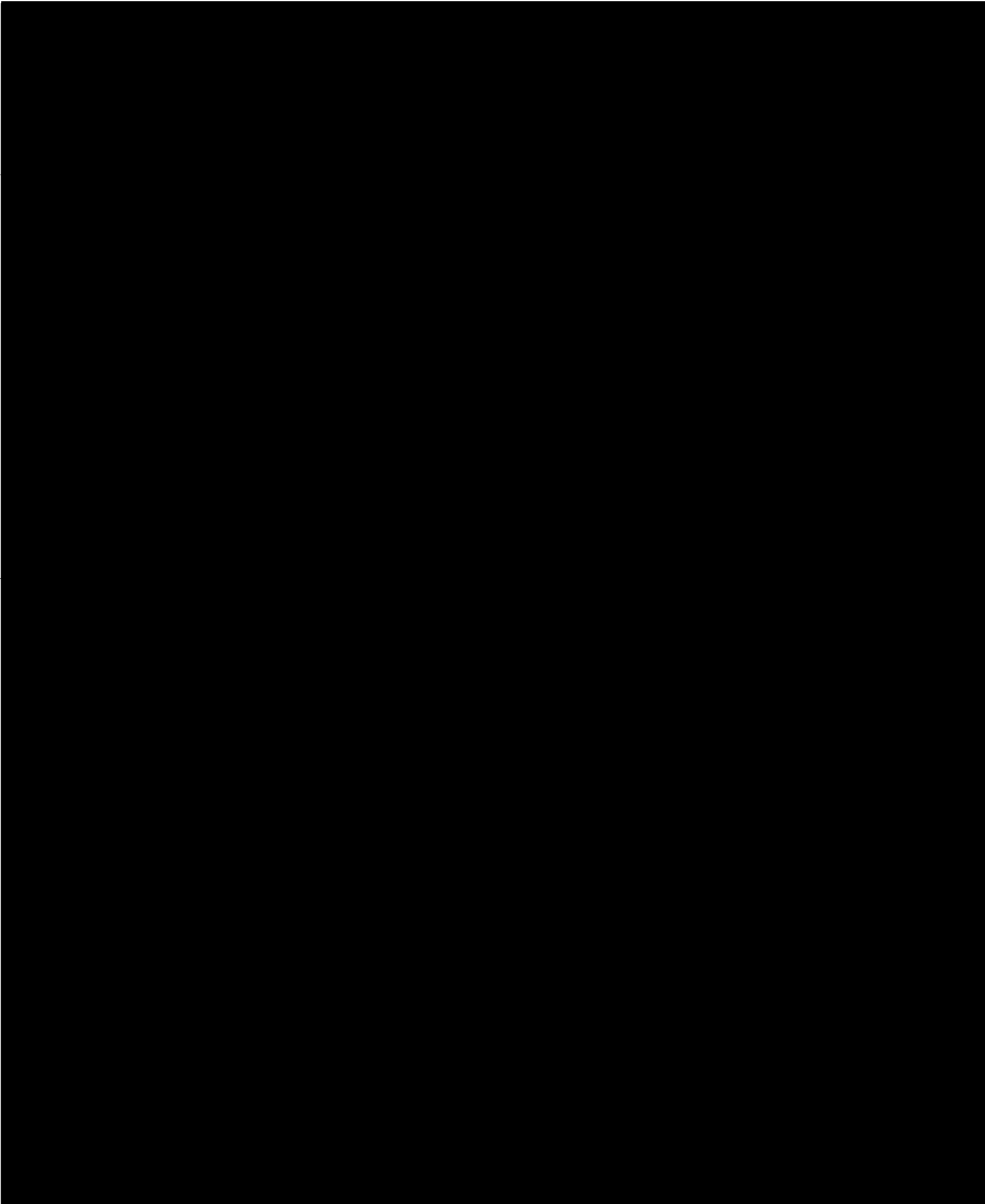
PAGE	CASE NUMBER
5 of 5	13-01100



CARLSBAD POLICE DEPARTMENT
INVESTIGATIVE NARRATIVE



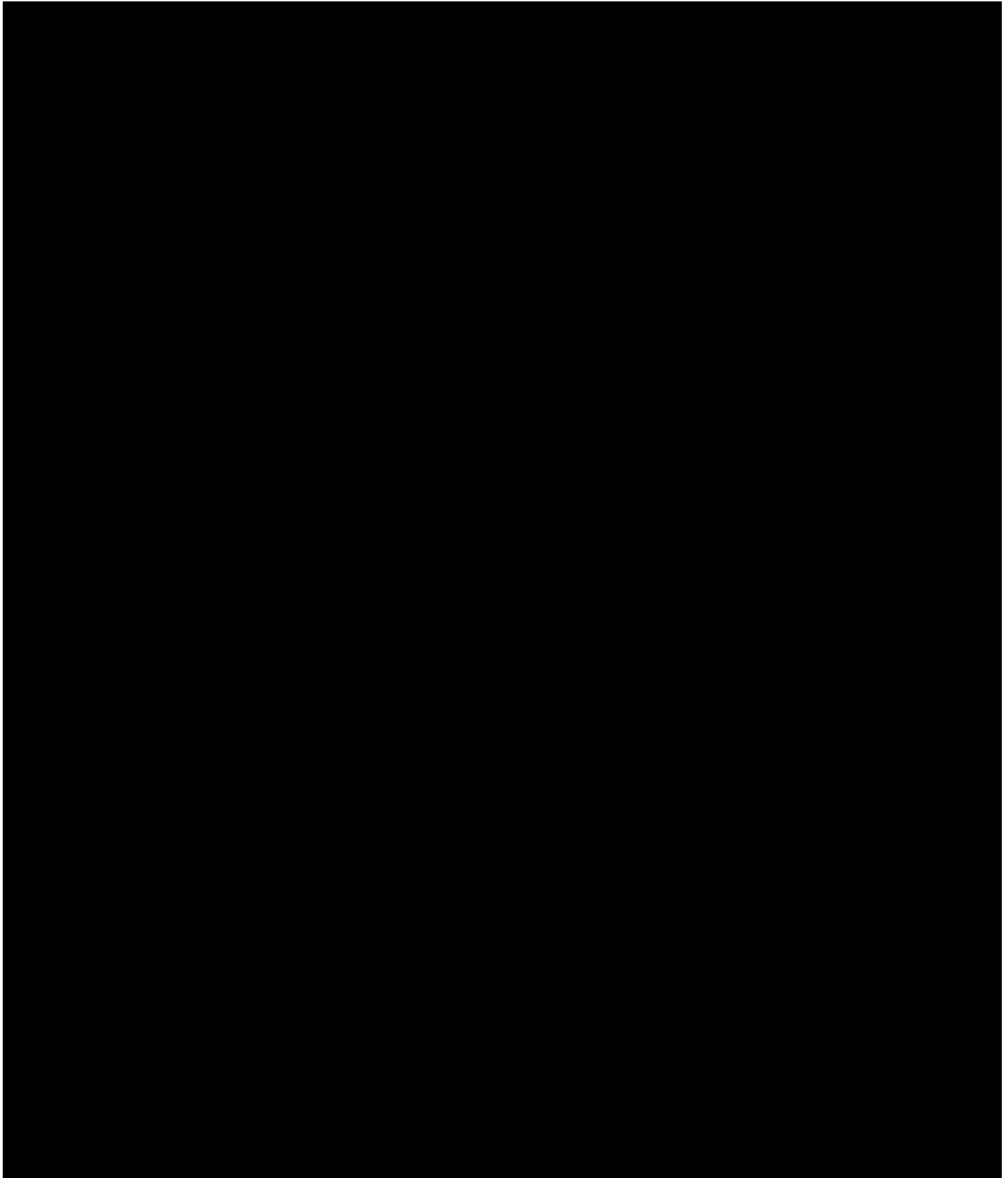
CARLSBAD POLICE DEPARTMENT
INVESTIGATIVE NARRATIVE

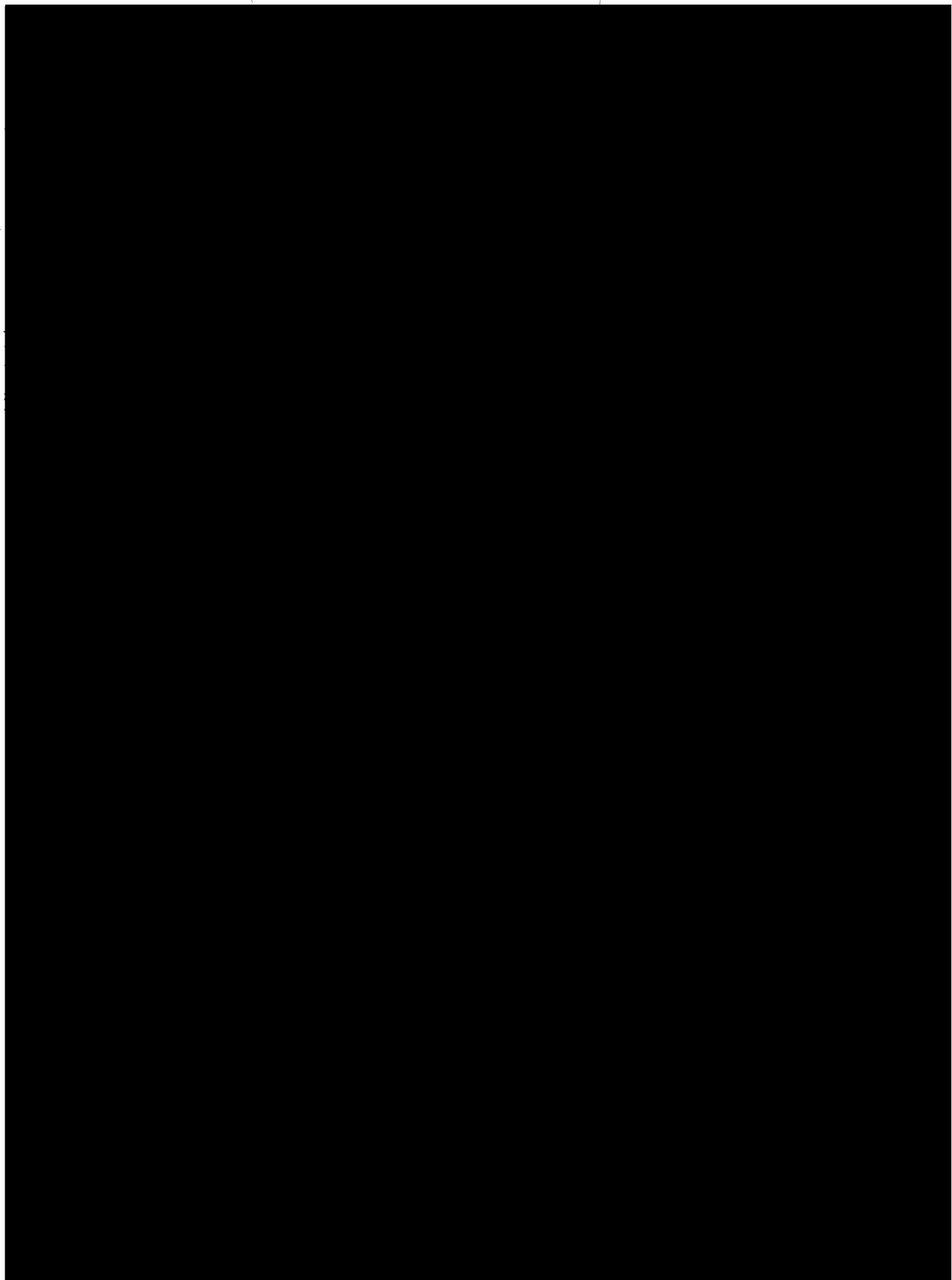


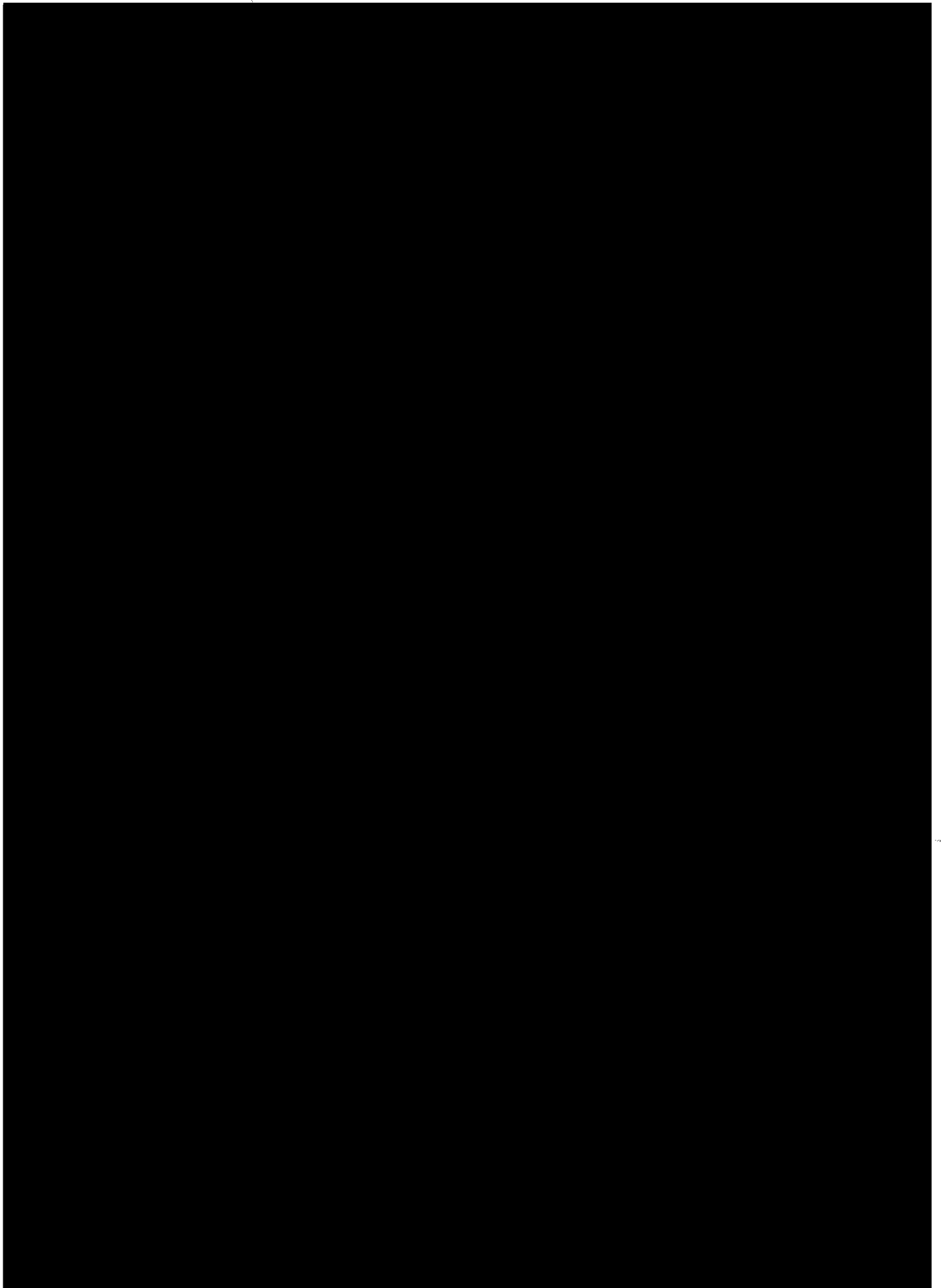
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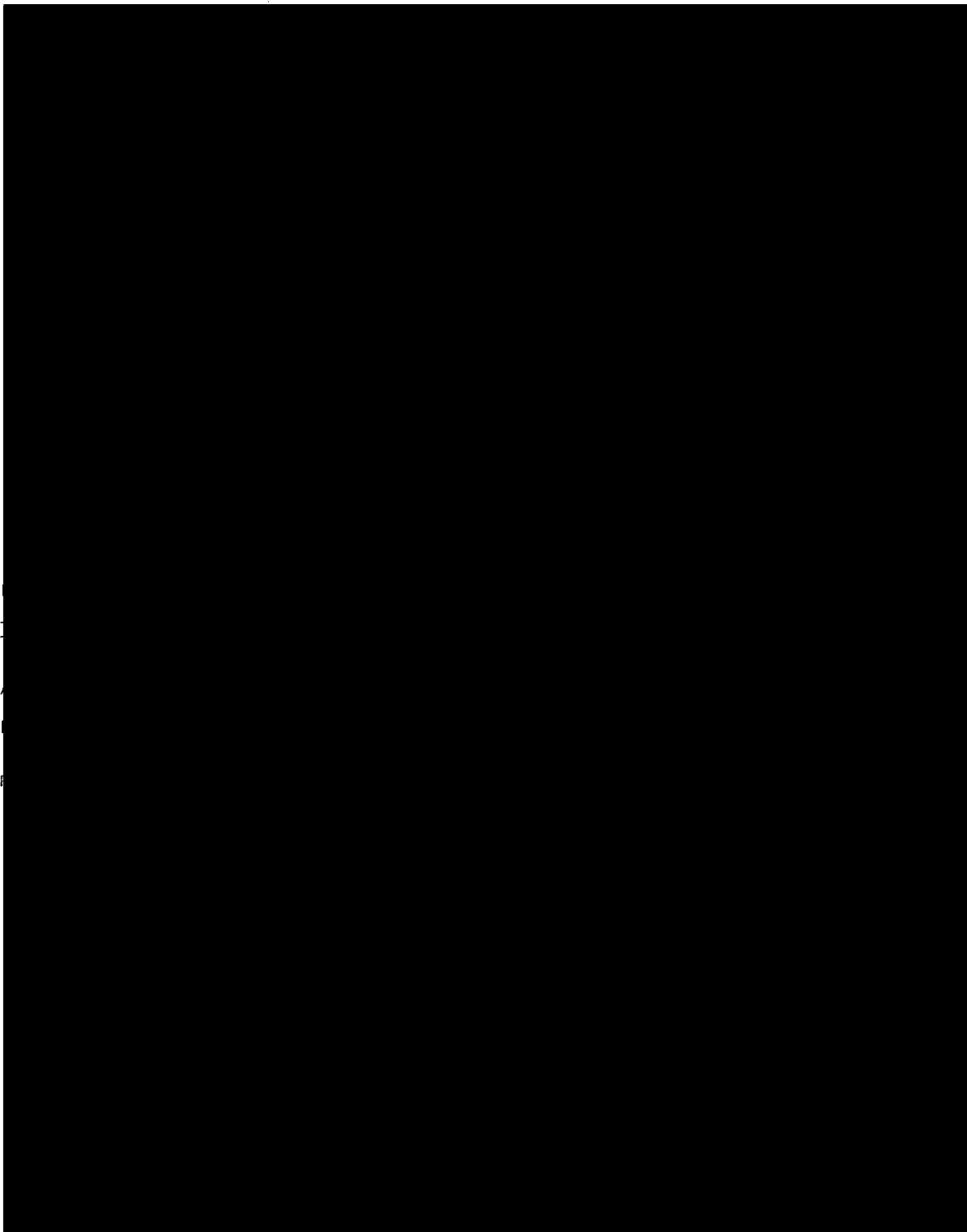
**Shoplifting / External Theft
Case Profile Report**

WAZAGUA





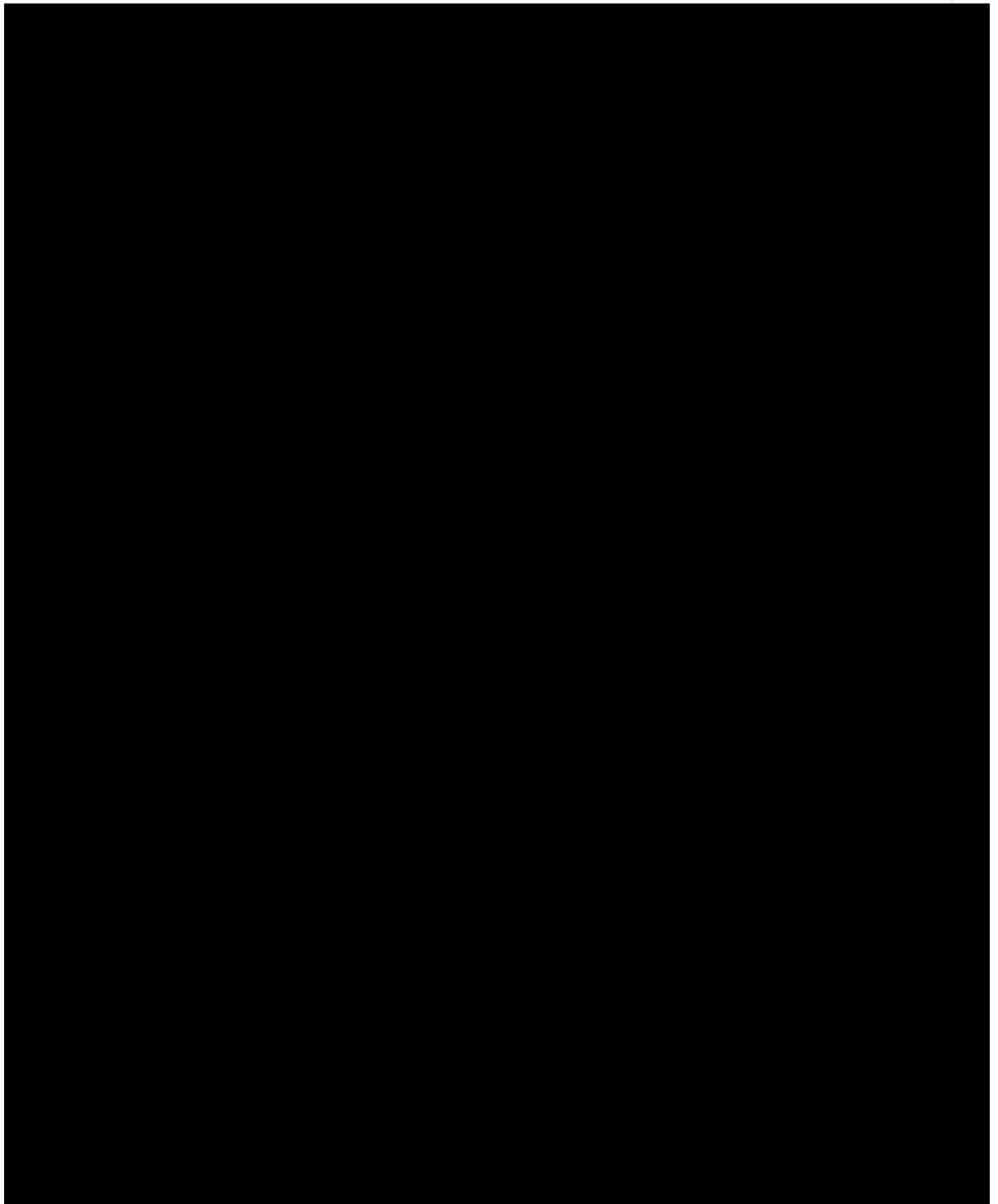




SEARS HOLDINGS

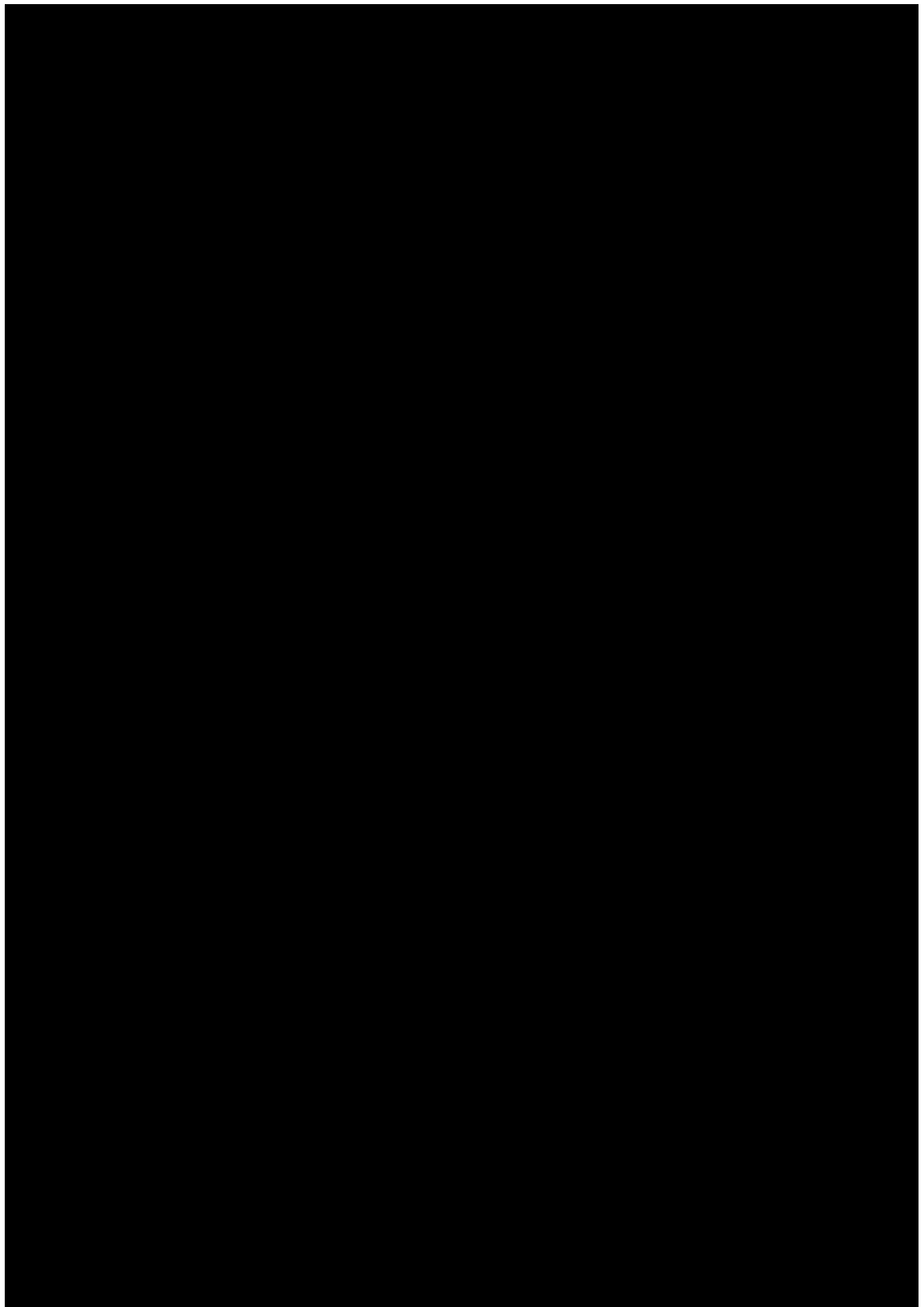
**Shoplifting / External Theft
Case Profile Report**

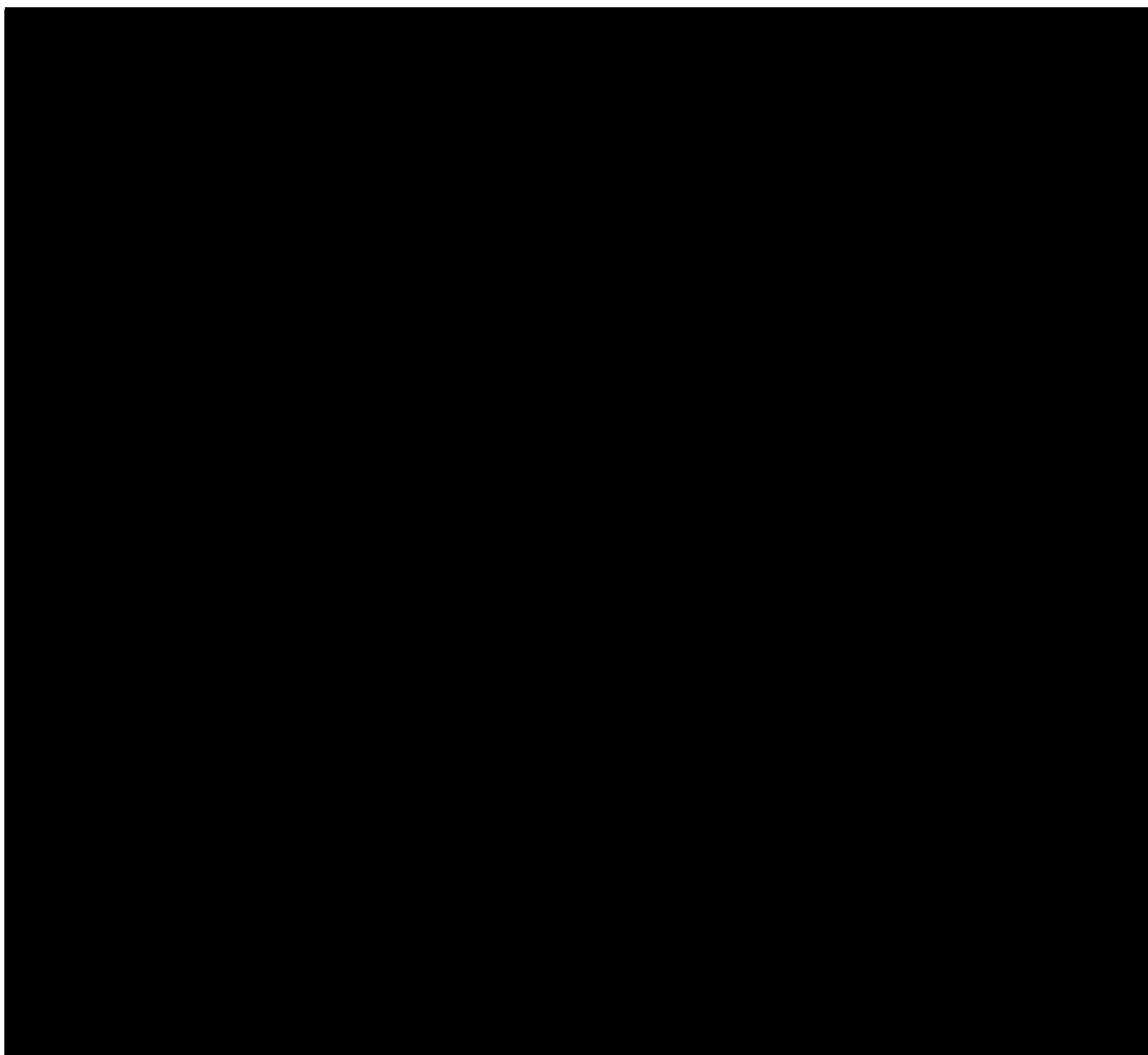
WAZAGUA



t
8

48





Detailed History for Police Inc# #130012568 As of 2/20/2013 19:07:12

Priority:2 Type:490 - SHOPLIFT

Location:SEARS,CB at 2561 EL CAMINO REAL,CB

LocCross:btwn PLAZA DR and MARRON RD

Created:	02/20/2013 17:55:48	DSP2	CB5411
Entered:	02/20/2013 17:56:20	DSP2	CB5411
Dispatch:	02/20/2013 18:06:52	DSP5	CB5340
Enroute:	02/20/2013 18:06:55	A263	CB5426
Onscene:	02/20/2013 18:12:47	A237	CB5420
Transprt:	02/20/2013 18:44:00	DSP4	CB5437

PrimeUnit:44P Dispo: Type:490 - SHOPLIFT

RPname: [REDACTED] Phone: [REDACTED] RPaddr:

Agency:CBPD Group:PD01 Beat:4 RD:8

Case #:CB130001100 [] Detail

17:55:48 CREATE Location:SEARS,CB Type:490 RPname: [REDACTED] Phone: [REDACTED] Group:PD01
RD:8 TypeDesc:SHOPLIFT LocDesc:at 2561 EL CAMINO REAL,CB LocCross:btwn PLAZA
DR and MARRON RD Priority:2 Response:2PAT Agency:CBPD Map:1106G36015C
LocType:C

17:56:20 ENTRY Comment:2 JUVI FEMALES IN CUSTODY / BEING COOPERATIVE

17:56:20 -PREMIS Comment:PPR

17:57:15 INFO Comment: [REDACTED]

17:57:25 NOMORE

17:59:35 RFT Comment:INQUIRY QW,, [REDACTED]

18:01:22 MISC Comment: [REDACTED] 1129, N4, ONS: GANG PROBATION ...
NO MATCH DL

18:01:44 RFT Comment:INQUIRY QW,, [REDACTED]

18:03:52 RFT Comment:INQUIRY DL,X [REDACTED]

18:05:05 MISC Comment: [REDACTED] . 1129, N4, JUV PROBATION...NO
MATCH DL

18:06:49 SELECT

18:06:52 DISP 44P EmpID:CB5426 OperNames:SISCO, TARYN

18:06:52 DISP 43P EmpID:CB5420 OperNames:BURNS, CASEY

18:06:52 -PRIU 44P

18:06:55 *ENRTE 44P

18:06:56 *ENRTE 43P

18:12:47 *ONSCN 43P

18:13:04 *ONSCN 44P

18:38:43 *1016* 43P Comment:2X

18:39:02 CASE 44P Case#:CB130001100

18:41:35 *CLEAR 43P

18:44:00 TRANSP 44P Location:1019 Mileage:19714 Comment:WITH 2 JUV'S

18:56:38 TRANSP 44P Location:CPD,CB Mileage:202

San Diego Sheriff's Department

44P

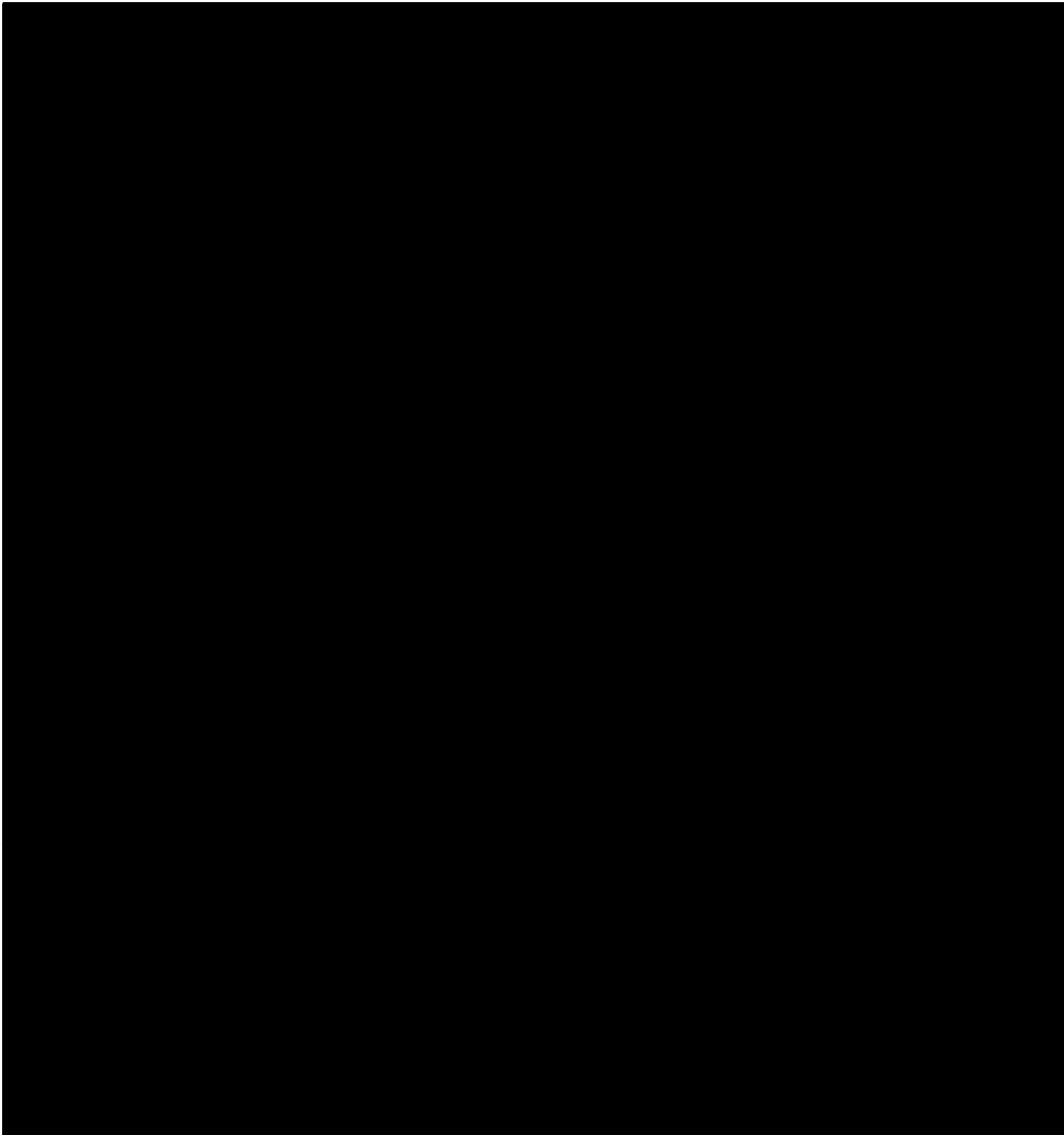
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Wants/Warrants/TRO/ONS MA19: (Officer Notification System Inquiry)
Final Detail Screen (MA19 Reply with Individual's Detail data)

490

MA19

OFFICER NOTIFICATION SYSTEM (ONS) INFORMATION



Detailed History for Police Inc# #130012568 As of 3/21/2013 20:51:51

Priority:2 Type:490 - SHOPLIFT

Location:SEARS,CB Route Map It at 2561 EL CAMINO REAL,CB

LocCross:btwn PLAZA DR and MARRON RD

Created:	02/20/2013 17:55:48	DSP2	CB5411
Entered:	02/20/2013 17:56:20	DSP2	CB5411
Dispatch:	02/20/2013 18:06:52	DSP5	CB5340
Enroute:	02/20/2013 18:06:55	A263	CB5426
Onscene:	02/20/2013 18:12:47	A237	CB5420
Transprt:	02/20/2013 18:44:00	DSP4	CB5437
Complete:	02/20/2013 19:44:22	DSP5	CB5340
Closed:	02/20/2013 22:14:16	A263	CB5426

PrimeUnit:44P Dispo:RTF Type:490 - SHOPLIFT

RPname: Phone: RPaddr:

Agency:CBPD Group:PD01 Beat:4 RD:8

Case #:CB130001100 Detail

17:55:48 CREATE Location:SEARS,CB Type:490 RPname: Phone: Group:PD01 RD:8
TypeDesc:SHOPLIFT LocDesc:at 2561 EL CAMINO REAL,CB LocCross:btwn PLAZA DR and
MARRON RD Priority:2 Response:2PAT Agency:CBPD Map:1106G36015C LocType:C

17:56:20 ENTRY Comment:2 JUVI FEMALES IN CUSTODY / BEING COOPERATIVE

17:56:20 -PREMIS Comment:PPR

17:57:15 INFO Comment:

17:57:25 NOMORE

17:59:35 RFT Comment:INQUIRY QW,
129, N4, ONS: GANG PROBATION ... NO

18:01:22 MISC Comment: MATCH DL

18:01:44 RFT Comment:INQUIRY QW,
129, N4, JUV PROBATION...NO MATCH

18:03:52 RFT Comment:INQUIRY DL,X,
DL

18:05:05 MISC Comment: 129, N4, JUV PROBATION...NO MATCH

18:06:49 SELECT

18:06:52 DISP 44P EmpID:CB5426 OperNames:SISCO, TARYN

18:06:52 DISP 43P EmpID:CB5420 OperNames:BURNS, CASEY

18:06:52 -PRIU 44P

18:06:55 *ENRTE 44P

18:06:56 *ENRTE 43P

18:12:47 *ONSCN 43P

18:13:04 *ONSCN 44P

18:38:43 *1016* 43P Comment:2X

18:39:02 CASE 44P Case#:CB130001100

18:41:35 *CLEAR 43P

18:44:00 TRANSP 44P Location:1019 Mileage:19714 Comment:WITH 2 JUV'S

18:56:38 TRANSP 44P Location:CPD,CB Mileage:202

19:44:22 CMPLT 44P

20:52:29 TRANSP 44P Location:JUVI HALL Mileage:202.9 Comment:W/2

21:22:42 CMPLT 44P Mileage:222.9

21:46:41 CHGLOC 44P Location:CITY

22:10:58 *ONSCN 44P

22:14:10 *BRIEF 44P Comment: AND WAS ARRESTED
AND BOOKED INTO JUVY HALL FOR 460(B) PC

22:14:16 *CLEAR 44P Dispo:RTF

22:14:16 -CLEAR

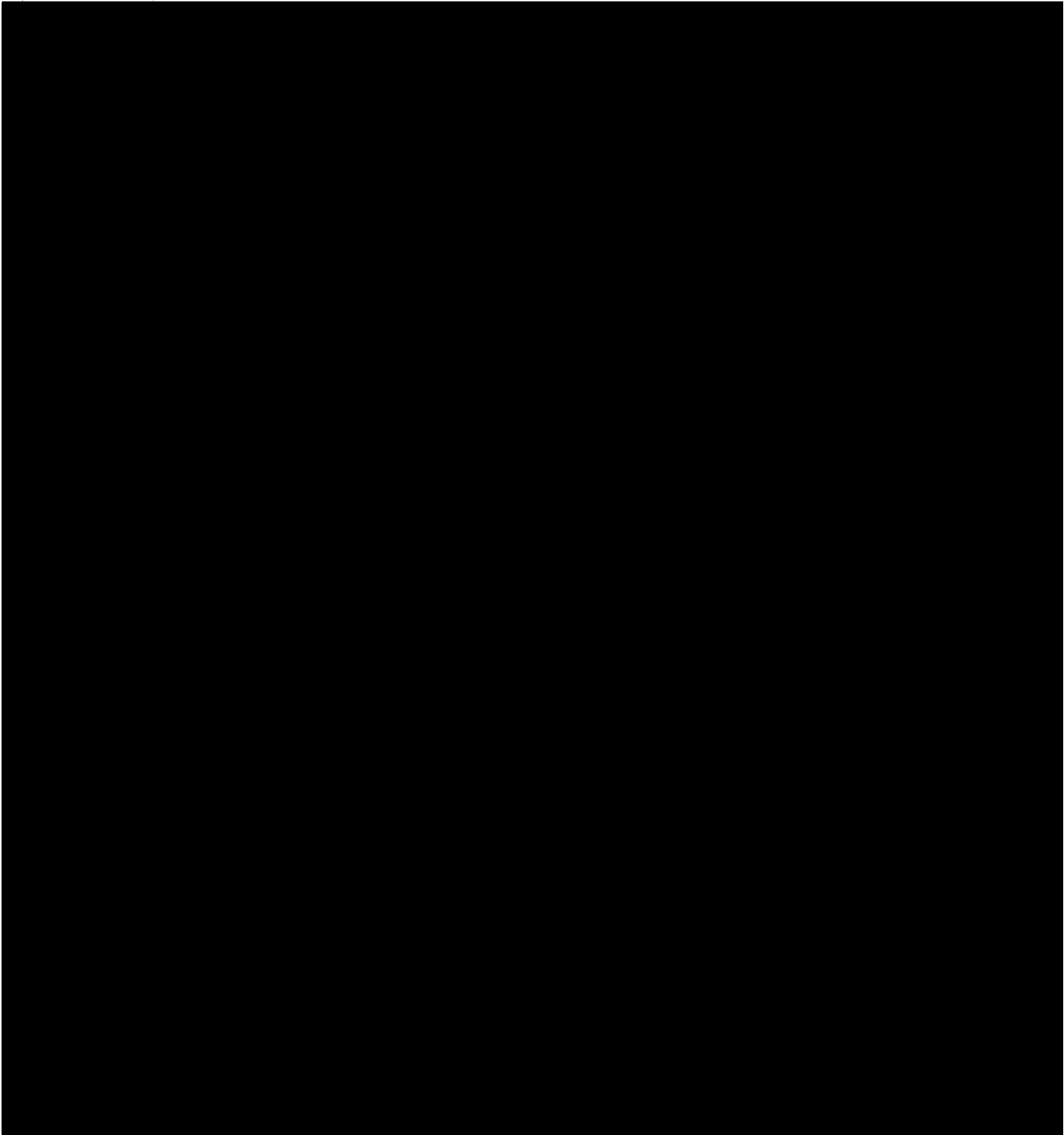
22:14:16 *CLOSE

San Diego Sheriff's Department

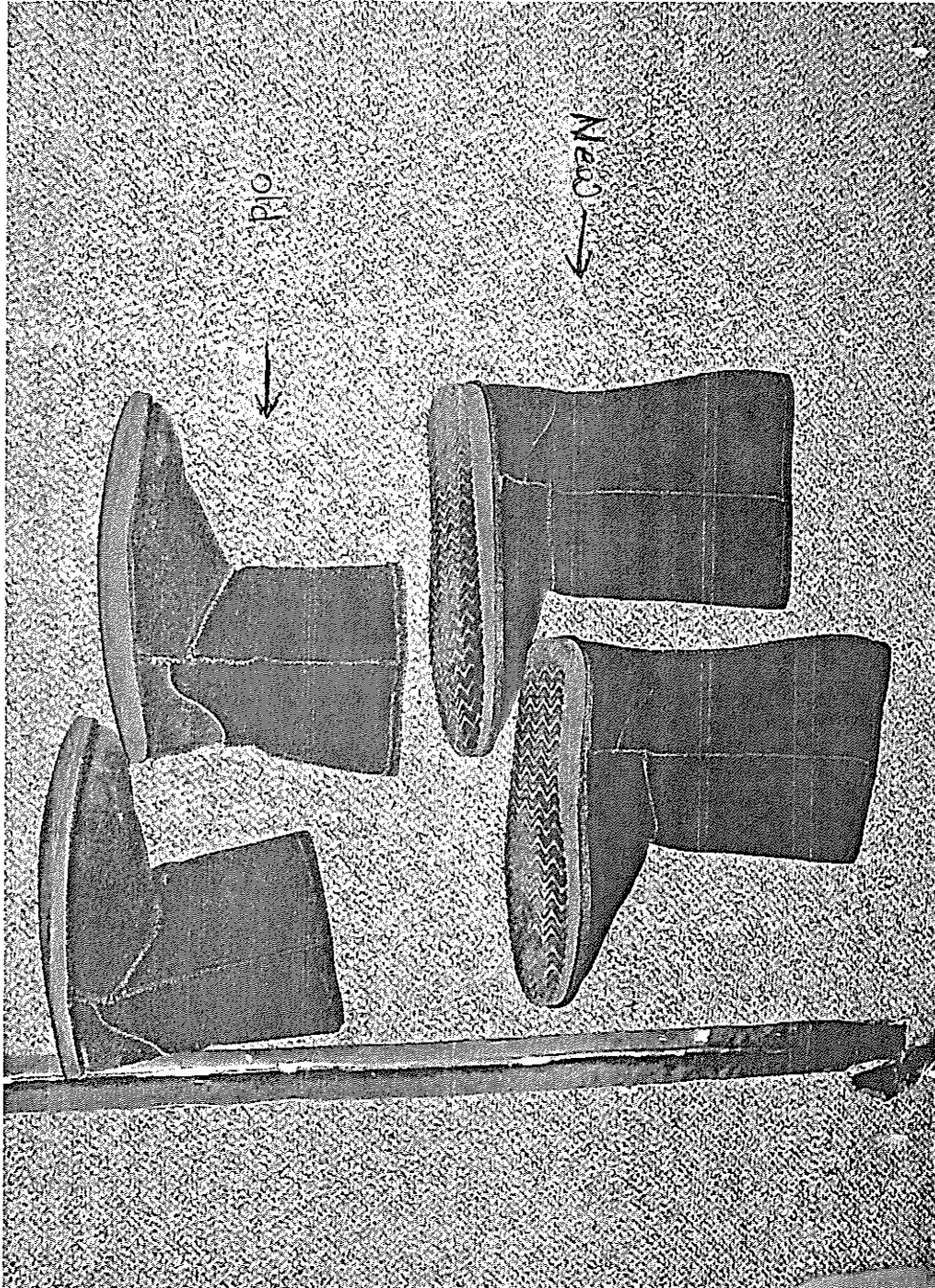
Wants/Warrants/TRO/ONS MA19: (Officer Notification System Inquiry)
Final Detail Screen (MA19 Reply with Individual's Detail data)

MA19

OFFICER NOTIFICATION SYSTEM (ONS) INFORMATION



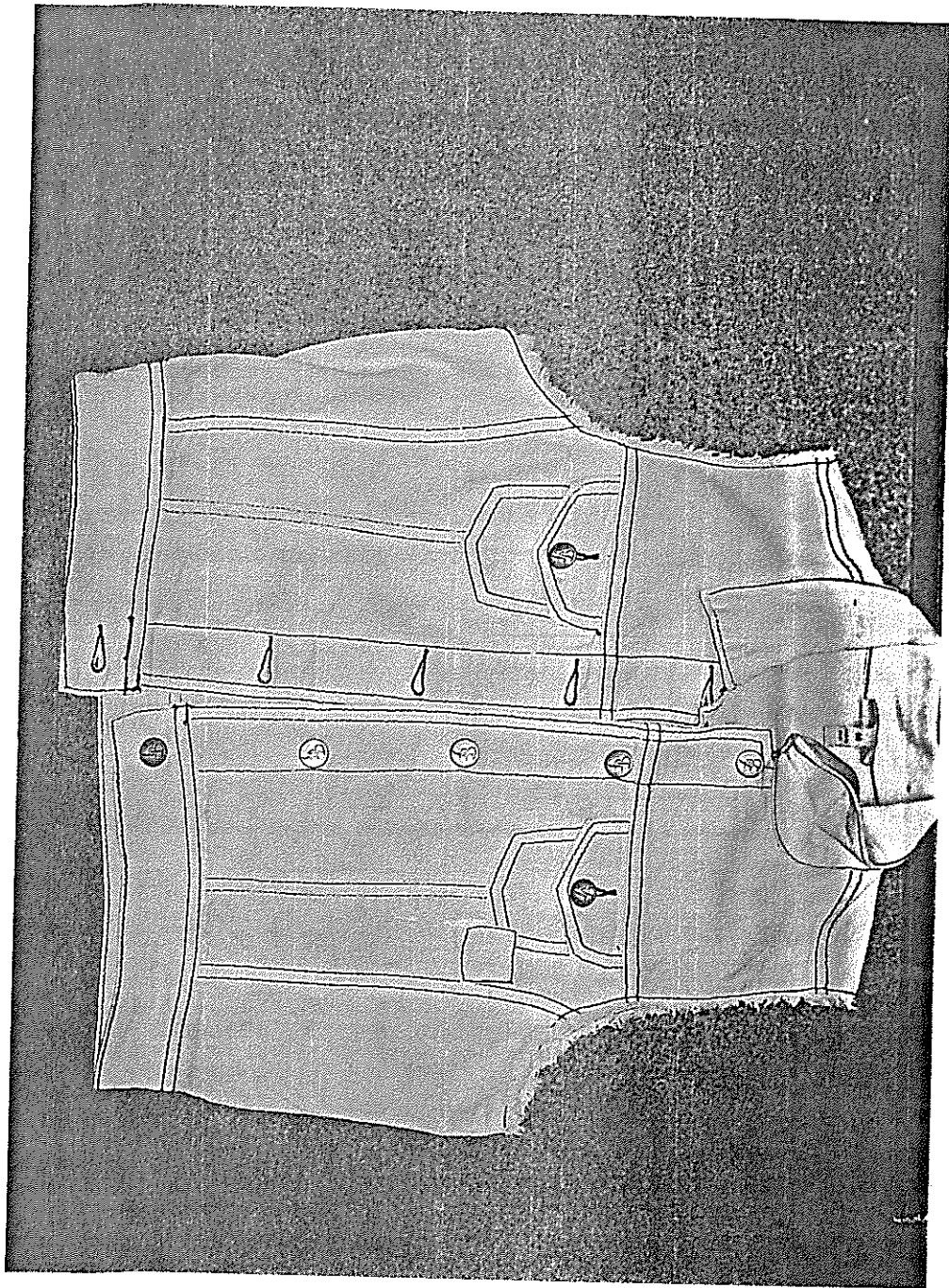
13-01100



13-1100

13-1100

13-01100



F

**Proof of Service —
Request for Disclosure**

Clerk stamps date here when form is filed.

- ① Your name: Sgt. Mickey Williams
Relationship to child (if any): None
Street address: 2560 Orion Way
City: Carlsbad State: CA Zip: 92010
Telephone number: 760-931-2178
Lawyer (if any) (name, address, telephone numbers, and State Bar number): None

Fill in court name and street address:

Superior Court of California, County of
San Diego
2851 Meadowlark Drive
San Diego CA 92123

Fill in case number if known:

Case Number:

G3456

- ② ☐ I was not able to provide notice of this petition to the following because I did not know their names or addresses. If this is a request for the case file of a living child, the clerk must serve a copy of the petition. If this is a request for the case file of a deceased child, the custodian of records must serve a copy of the petition.
- a. ☐ County counsel or other attorney representing the child welfare agency if petition filed under section 300
 - b. ☐ District attorney if petition filed under section 601 or 602
 - c. ☐ Child
 - d. ☐ Attorney of record for the child
 - e. ☐ Child's parent
 - f. ☐ Child's legal guardian
 - g. ☐ Probation department if petition filed under section 601 or 602
 - h. ☐ Child welfare agency/custodian of records if petition filed under section 300
 - i. ☐ Child's identified Indian tribe
 - j. ☐ Child's CASA volunteer

- ③ ☒ Copies of *Request for Disclosure of Juvenile Case File (JV-570)*, *Notice of Request for Disclosure of Juvenile Case File (JV-571)*, and a blank *Objection to Release of Juvenile Case File (JV-572)* have been placed in a sealed envelope with postage paid and deposited in the United States mail addressed to the following:

- a. ☐ County counsel or other attorney representing the child welfare agency if petition filed under section 300 (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____



Case Number:

G3456

Your name: Sgt. Mickey Williams

- b. ☒ District attorney if petition filed under section 601 or 602 (name and address): DDA Barry Shipero
2851 Meadowlark Drive
San Diego CA 92123
☒ Date mailed: June 27, 2013 or ☐ Personally served on (date): _____
- c. ☒ Child (name and address): [REDACTED]
[REDACTED]
Oceanside CA 92054
☒ Date mailed: June 27, 2013 or ☐ Personally served on (date): _____
- d. ☒ Attorney of record for the child (name and address): Jaymes Sanford
5530 Overland Avenue #110
San Diego CA 92123
☒ Date mailed: June 27, 2013 or ☐ Personally served on (date): _____
- e. ☒ Child's parent (name and address): [REDACTED]
[REDACTED]
Oceanside CA 92054
☒ Date mailed: June 27, 2013 or ☐ Personally served on (date): _____
- f. ☐ Child's parent (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- g. ☐ Child's legal guardian (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- h. ☒ Probation department if petition filed under section 601 or 602 (name and address): _____
2901 Meadowlark Drive
San Diego CA 92123
☒ Date mailed: June 27, 2013 or ☐ Personally served on (date): _____

Case Number:

G3456

Your name: Sgt. Mickey Williams

- i. ☐ Child welfare agency/custodian of records if petition filed under section 300 (name and address):

☐ Date mailed: _____ or ☐ Personally served on (date): _____

- j. ☐ The Indian child's tribal representative (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____

- k. ☐ The child's CASA volunteer (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____

4

I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct. This means that if I lie on this form, I am guilty of a crime.

Date: June 27, 2013

Sgt. Mickey Williams

Type or print your name

M. Williams #5221
Sign your name

JV-570**Request for Disclosure of
Juvenile Case File**

If you are requesting a court order to obtain the juvenile case file of a child who is alive, fill out all items on this form, and file it with the court. You must also fill out and file Proof of Service—Request for Disclosure (form JV-569).

If you are a member of the public requesting the juvenile case file of a child who is deceased, you can:

- a. Fill out items 1–4 and 7 on this form and file it with the court. You must then provide a copy of this form to the Custodian of Records of the county child welfare agency, who will then provide notice of this request.

Or

- b. Do not complete the form and request the juvenile case file from the child welfare agency under Welfare and Institutions Code section 10850.4.

- ① Your name: Sgt. Mickey Williams
Relationship to child (if any): None
Street address: 2560 Orion Way
City: Carlsbad State: CA Zip: 92010
Telephone number: 760-931-2178
Lawyer (if any) (name, address, telephone numbers, and State Bar number): None

- ② Name of child (if known): [REDACTED]

- ③ Child's date of birth (if known): [REDACTED]

- ④ a. ☒ A petition regarding the child in ② has been filed under
☐ Welfare and Institutions Code section 300
☐ Welfare and Institutions Code section 601
☒ Welfare and Institutions Code section 602 or
- b. ☐ I believe the child in ② died as a result of abuse or neglect. Approximate date of death: _____
If you checked box b, you may skip items 5 and 6.

Note: You must provide a copy of this form to all interested parties if you know their names and addresses.

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number if known:

Case Number:



Case Number:

Your name: Sgt. Mickey Williams

- ⑤ The records I want are: *(Describe in detail. Attach more pages if you need more space.)*

Transcripts of the court trial held on 3-18-13.

☐ Continued on Attachment 5.

- ⑥ The reasons for this request are:

- a. ☐ Civil court case pending in *(name of county)*: _____
Case number: _____ Hearing date: _____
- b. ☐ Criminal court case pending in *(name of county)*: _____
Case number: _____ Hearing date: _____
- c. ☐ Juvenile court case pending in *(name of county)*: _____
Case number: _____ Hearing date: _____
- d. ☒ Other *(specify)*: Carlsbad Police Department internal affairs investigation
Case number: 13-IA-08 Hearing date: None

- ⑦ I need the records because: *(Describe in detail. Attach more pages if you need more space.)*

The internal affairs investigation is being conducted to determine if the associated Carlsbad Police Officer performed her duties within departmental policy and applicable laws. Reviewing the transcript will allow the department to review the Officer's statement in court, under the penalty of perjury, related to this case. The transcript will also provide detailed information from potential witnesses and potentially from the juvenile if she testified.

☐ Continued on Attachment 7.

- ⑧ I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct. This means that if I lie on this form, I am guilty of a crime.

Date: 6-25-13

Sgt. Mickey Williams

Type or print your name



Sign your name

JV-571**Notice of Request for Disclosure
of Juvenile Case File****RE: Release of Juvenile Case File and Right to File
an Objection**

You must provide notice to all those listed in item 2 on Proof of Service—
Request for Disclosure (form JV-569).

TO (names):

[REDACTED] Jaymes Sanford, ESQ., Probation
Dept., Juvenile DA's Office

- ① Child's name: [REDACTED]
- ② Information relating to the child named in item ① is being sought by
(name): Sergeant Mickey Williams, Carlsbad Police Department

- ③ The requested information is described in the attached *Request for
Disclosure of Juvenile Case File* (form JV-570).
- ④ If you object to the disclosure of these records and information, you must fill out *Objection to Release of Records*
(form JV-572) and return it to the court listed at the address above within 10 days of the date you received this
notice.

Date: June 27, 2013

Sgt. Mickey Williams
Type or print your name

M. WILLIAMS #5221
Sign your name

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of
San Diego Juvenile Court
2851 Meadow Lark Drive
San Diego, CA 92123

Fill in case number if known:

Case Number:

G3456

Warning: If you do not object, the court may release the child's case file.

Objection to Release of Juvenile Case File

Objections to the release of information and records described in the attached Request for Disclosure of Juvenile Case File (form JV-570) must be filed with the court.

Clerk stamps date here when form is filed.

- ① Name of child: _____
- ② My relationship to the child, if any, is: None
- ③ I object to the release of information and records relating to the child named in item ①.
- ④ I do not want the court to release the records because *(describe in detail, attach additional pages if necessary)*:

Fill in court name and street address:

Superior Court of California, County of
San Diego
2851 Meadowlark Drive
San Diego CA 92123

Fill in case number if known:

Case Number:

G3456

Date: _____

Type or print your name

Sign your name

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): ATTORNEY FOR (Name): MAIL STOP _____ BAR# _____	TELEPHONE NO.: COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> CENTRAL COURT, 220 W. BROADWAY, SAN DIEGO, CA 92101-3409 <input type="checkbox"/> FAMILY COURT, 1501-55 SIXTH, SAN DIEGO, CA 92101-1946 <input type="checkbox"/> NORTH COUNTY BRANCH, 325 S. MELROSE, VISTA, CA 92083-6627 <input type="checkbox"/> EAST COUNTY COURT, 250 E. MAIN, EL CAJON, CA 92020-3913 <input type="checkbox"/> SOUTH BAY COURT, 500 THIRD, CHULA VISTA, CA 91910-6694 <input type="checkbox"/> JUVENILE COURT, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123-2792 <input type="checkbox"/> JUVENILE COURT, 1701 MISSION, OCEANSIDE, CA 92054	
CASE NAME	
AUTHORIZATION FOR TRANSCRIPT AND PAYMENT THEREFOR (Government Code Sections 69952 & 69953)	
CASE NUMBER	

COURT REPORTER(S): _____ DEPARTMENT #: _____

TYPE OF PROCEEDING: JUVENILE TRIAL DATE(S) OF PROCEEDING: 3-18-13

TRANSCRIPT REQUESTED BY: ☒ SGT. WILLIAMS CARLSBAD P.D.
NAME AGENCY

☐ ON COURT'S OWN MOTION.

REASON FOR REQUEST: THE TRIAL IS A PORTION OF AN ONGOING
CARLSBAD PD INTERNAL AFFAIRS CASE (13-1A-08).

SPECIAL INSTRUCTIONS: _____

(JUVENILE COURT ONLY): Requesting party's relationship to the case is: LAW ENFORCEMENT AGENCY.
(Attorney, Parents, etc.)

☒ Payment therefor shall be made by the requesting party/agency.

Date: 6-27-13 M. Williams #5221
Requesting Party (Signature)

☐ The Court directs the making of a verbatim record, the transcript, and payment therefor from the county treasury.

Date: _____

Judge of the Superior Court

INSTRUCTIONS

- The requesting party is responsible for completing this form. For all Juvenile Court transcripts, and for requests that the Court pay the cost of a transcript, the requesting party is also responsible for submitting the form for the judge's signature.
- This form shall be required for the production of transcripts where the cost is a proper charge against the county, except for appeals and Grand Jury transcripts.
- A copy of this form must accompany the court reporter's claim for payment for production of the above-listed transcript.

DISTRIBUTION: ORIGINAL - CASE FILE
 2 COPIES - COURT REPORTER
 1 COPY - REQUESTING PARTY

CASE NAME:

CASE NUMBER:

ATTACHMENT TO AUTHORIZATION FOR TRANSCRIPT (SDSC ADM-98)

Juvenile court records are subject to the confidentiality provisions and privileges of the law and the constitutional right to privacy. (Cal. Const., Art. I, § 1; Welf. & Inst. Code, § 827) The Court has authorized the release of a transcript of juvenile court proceedings, pursuant to Welfare and Institutions Code section 347 or 677. The release of the transcript is subject to the following terms and conditions:

1. The person(s) to whom the transcript is being released will not disclose, disseminate, or publish any information from the transcript, except as ordered by the juvenile court.
2. The transcript is to be kept in a confidential manner and will not be released to any person or entity not named herein, except as ordered by the juvenile court.
3. If the transcript is to be used in another court proceeding, it will not be made a part of the public record. If it is placed in any court file or used as an exhibit, it will be kept in a sealed envelope or maintained in some other confidential manner.
4. Any unauthorized disclosure of confidential information or failure to comply with the terms and conditions of this Order may be punishable as contempt of court.

IT IS SO ORDERED.

DATED: _____

JUDGE OF THE JUVENILE COURT

I have read and understand the above order. I agree to abide by it.

M. Williams #5221
PERSON REQUESTING TRANSCRIPT

San Diego Sheriff's Department

Wants/Warrants/TRO/ONS MA19: (Officer Notification System Inquiry)
Final Detail Screen (MA19 Reply with Individual's Detail data)

MA19

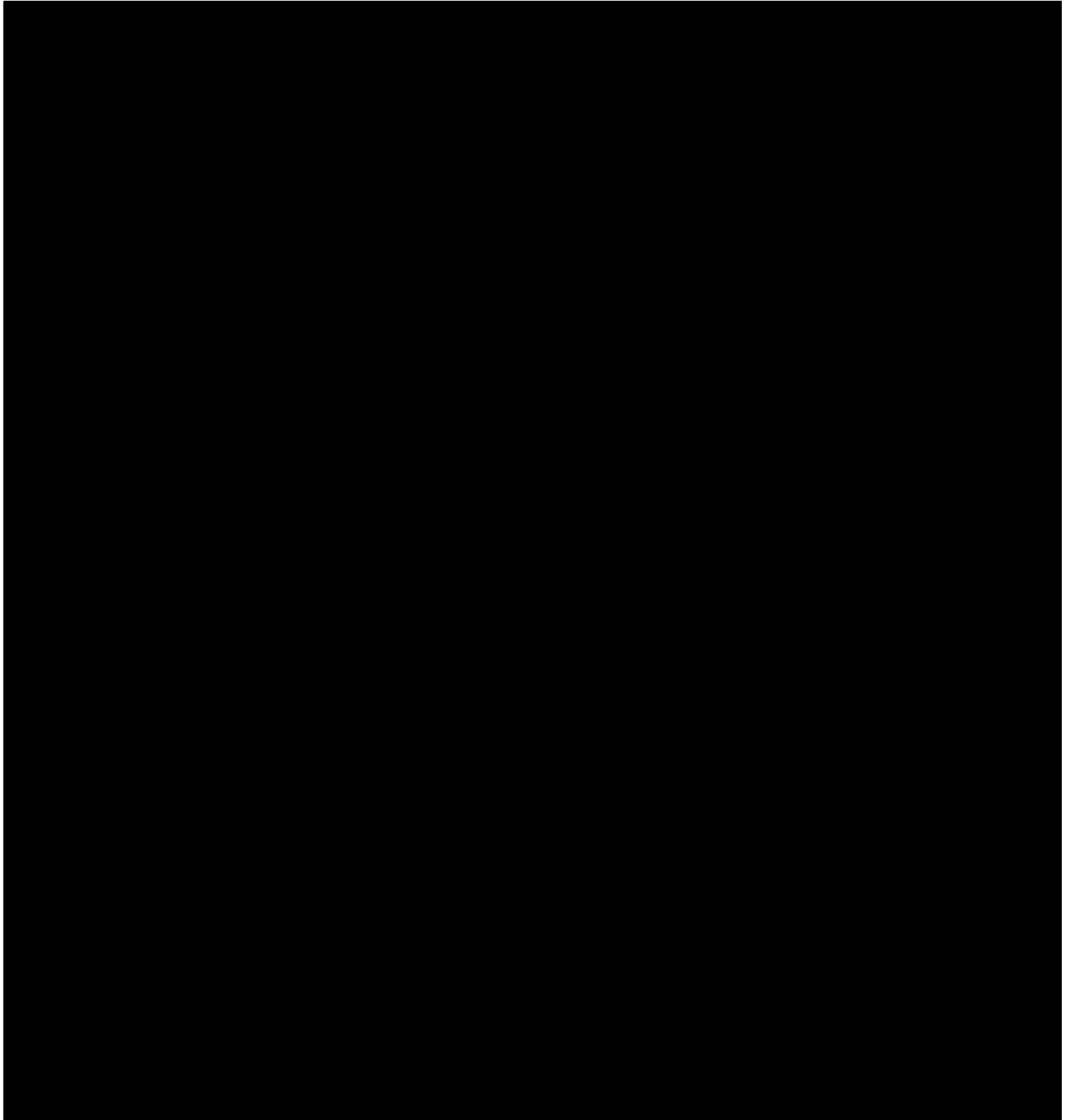
OFFICER NOTIFICATION SYSTEM (ONS) INFORMATION

San Diego Sheriff's Department

Wants/Warrants/TRO/ONS MA19: (Officer Notification System Inquiry)
Final Detail Screen (MA19 Reply with Individual's Detail data)

MA19

OFFICER NOTIFICATION SYSTEM (ONS) INFORMATION



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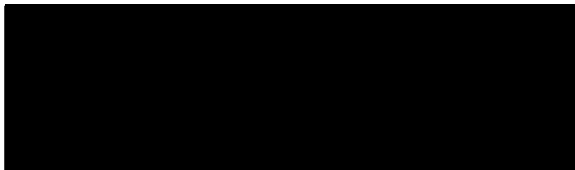
SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

HONORABLE POLLY SHAMOON

DEPARTMENT J-10

IN THE MATTER OF



)
)
) NO. JCM230524
) PAGES 1-63
)
)
)

REPORTER'S TRANSCRIPT

MARCH 18, 2013

APPEARANCES:

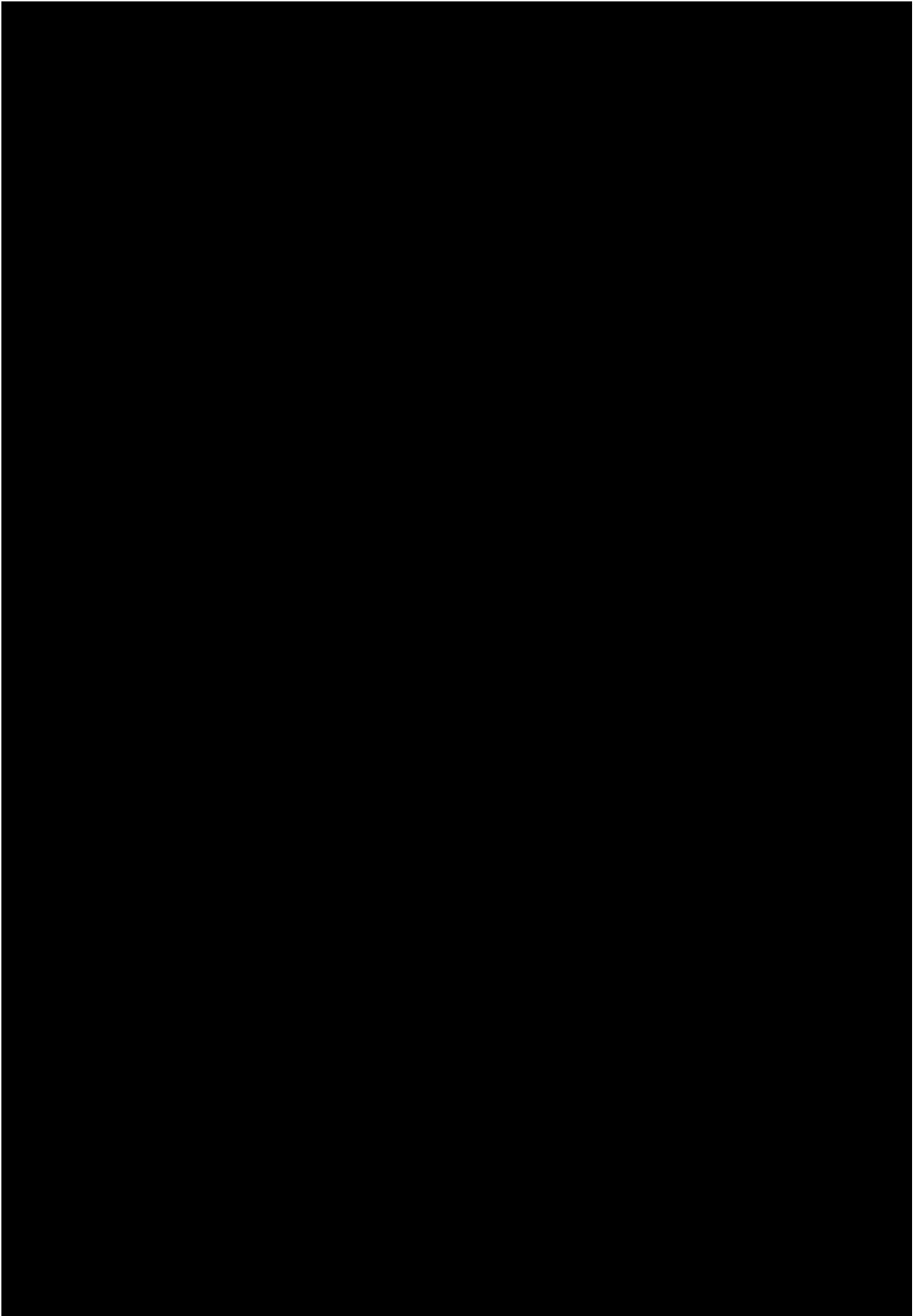
FOR THE PEOPLE:

BONNIE DUMANIS
OFFICE OF DISTRICT ATTORNEY
BY: BARRY SHAPIRO
DEPUTY DISTRICT ATTORNEY

FOR THE MINOR:

RANDY MIZE
OFFICE OF PUBLIC DEFENDER
BY: JAYMES SANFORD
DEPUTY PUBLIC DEFENDER

JUDITH A. MORENO, RPR, CSR #9422
OFFICIAL REPORTER
SAN DIEGO, CALIFORNIA 92101



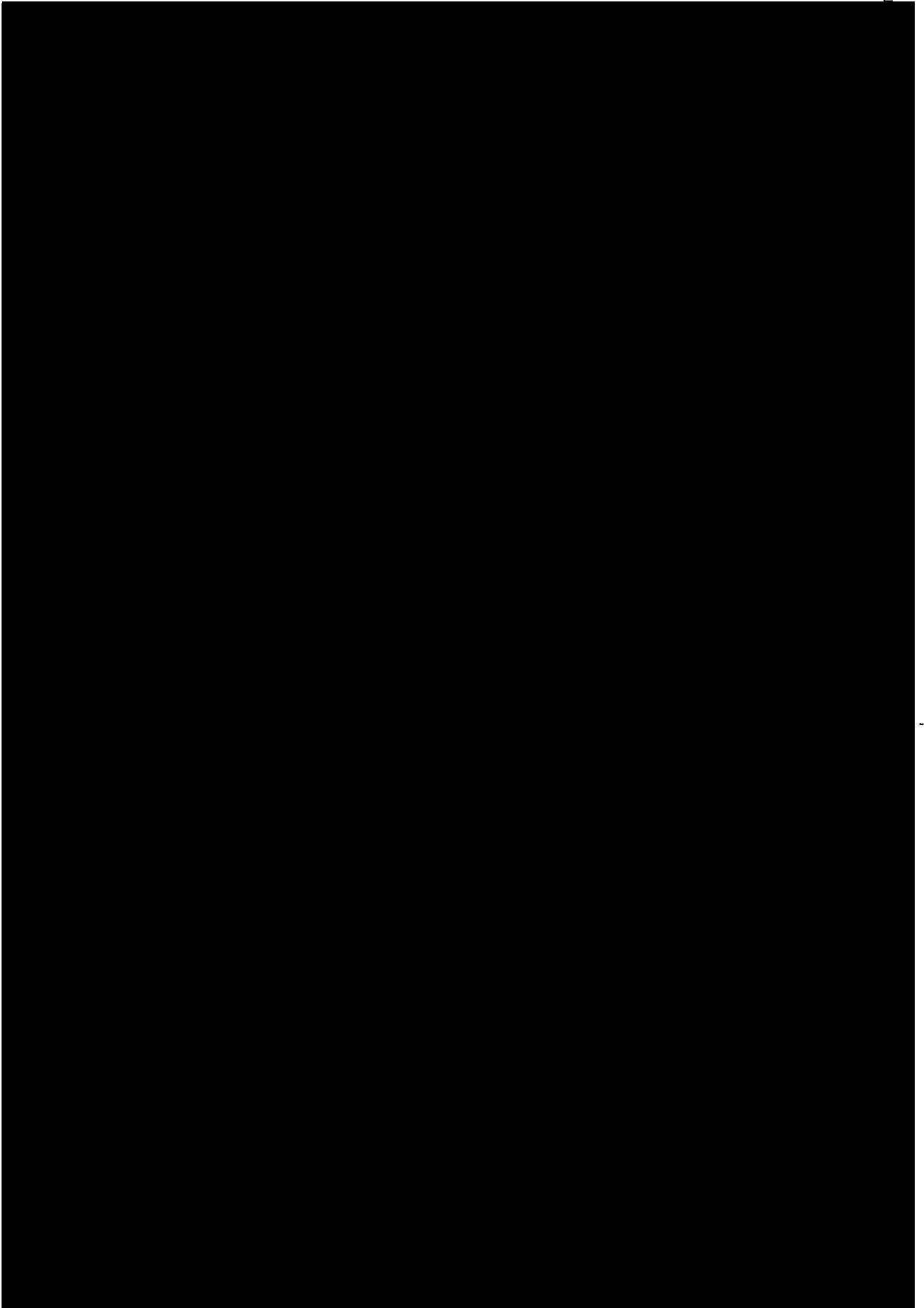
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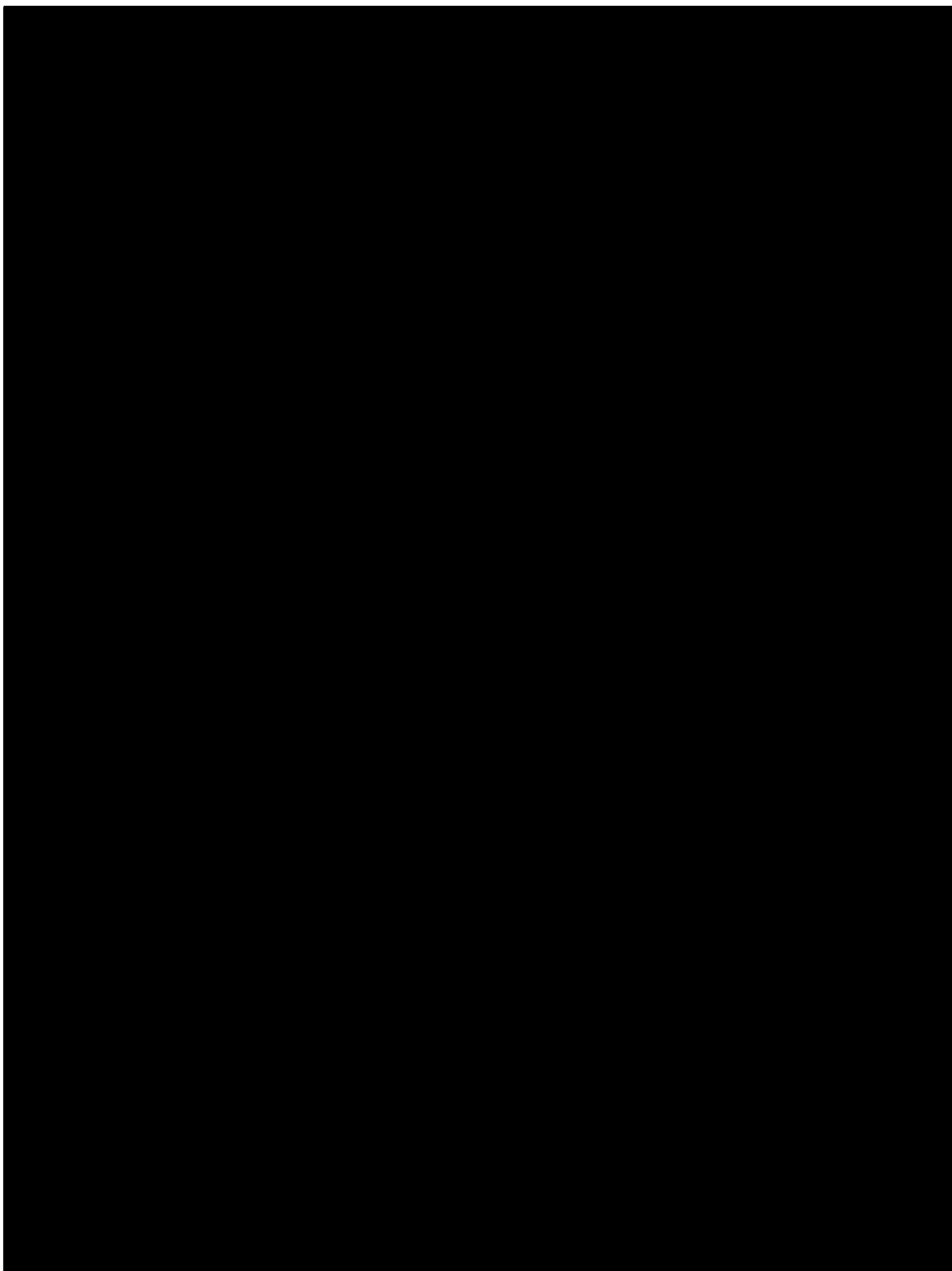
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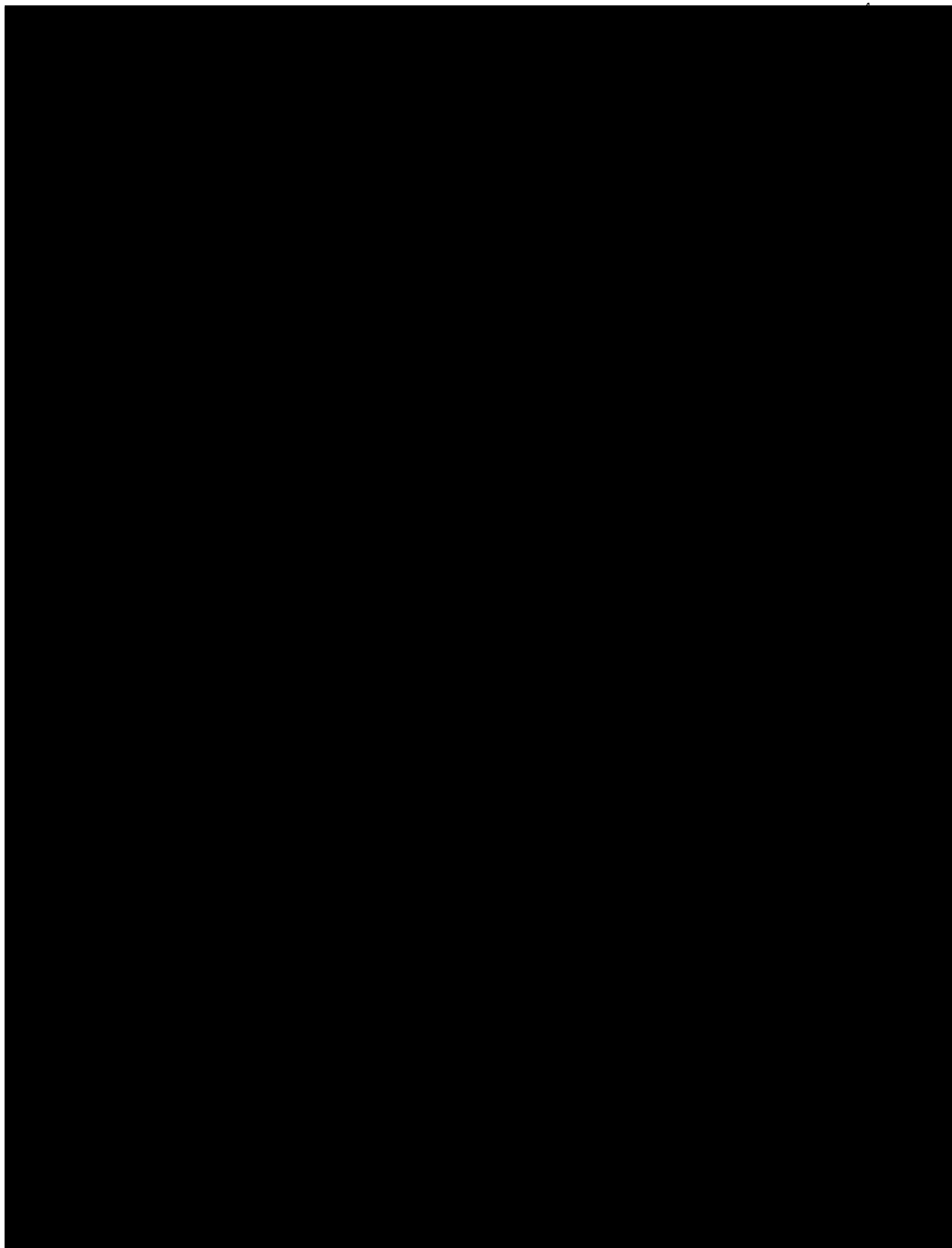
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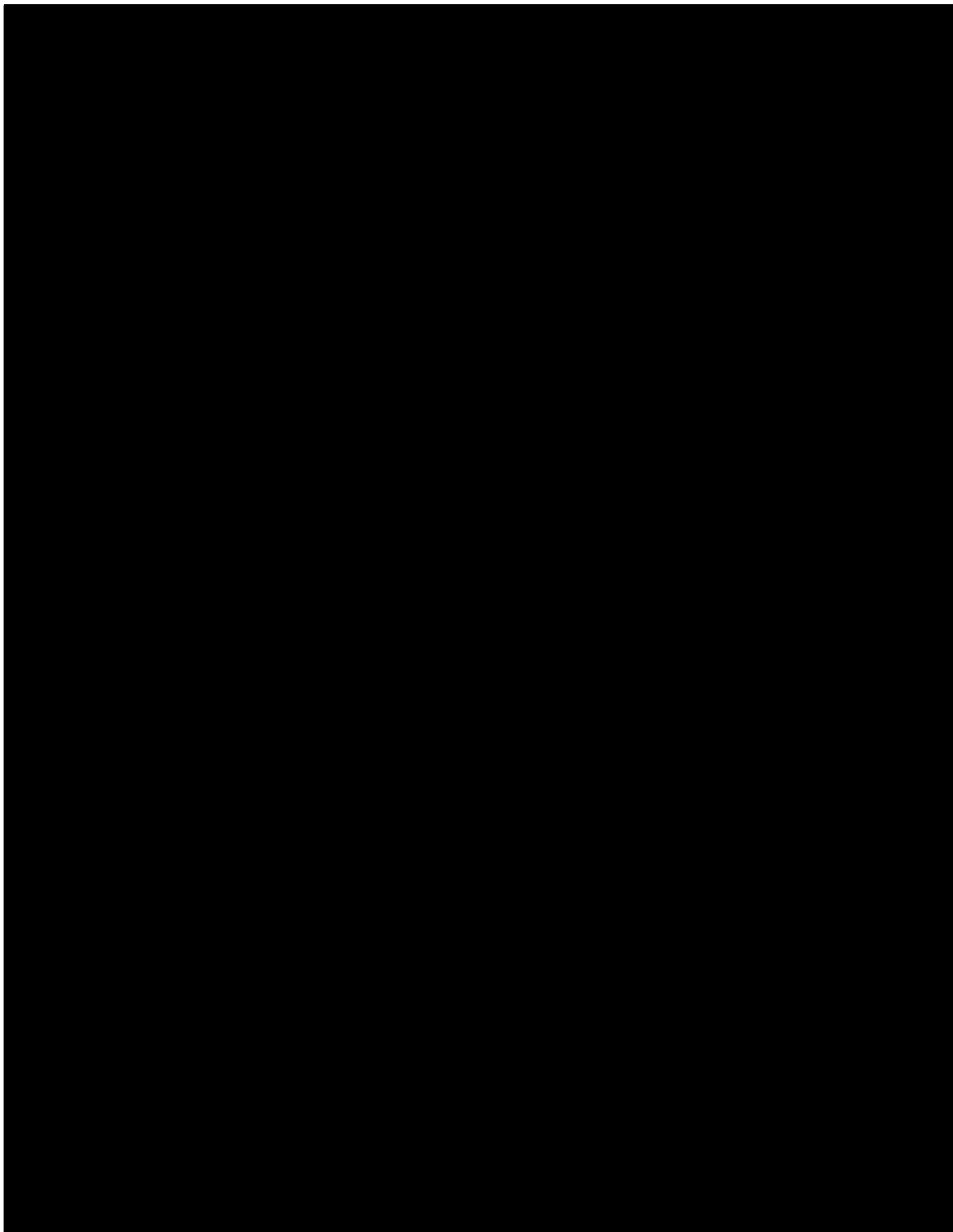


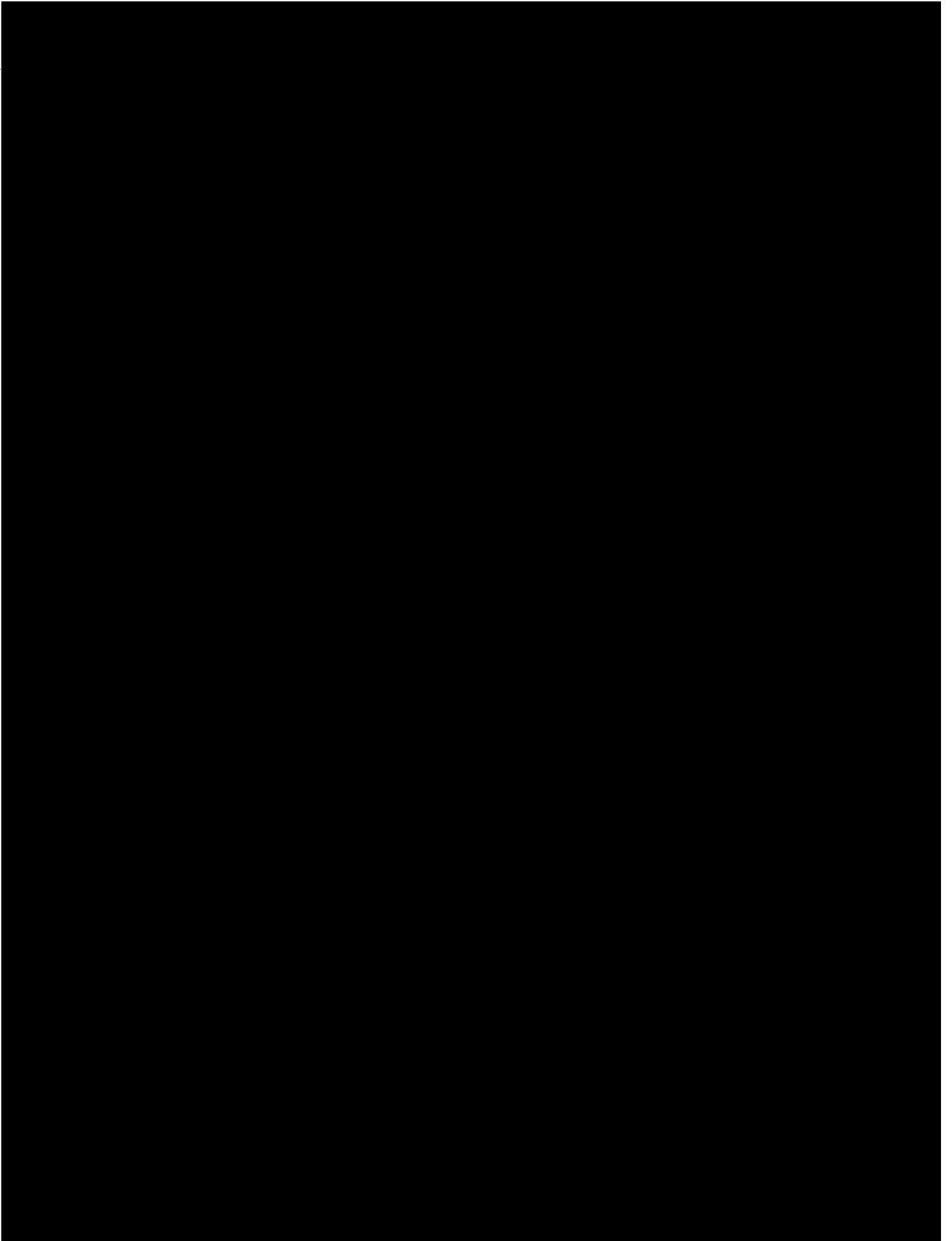
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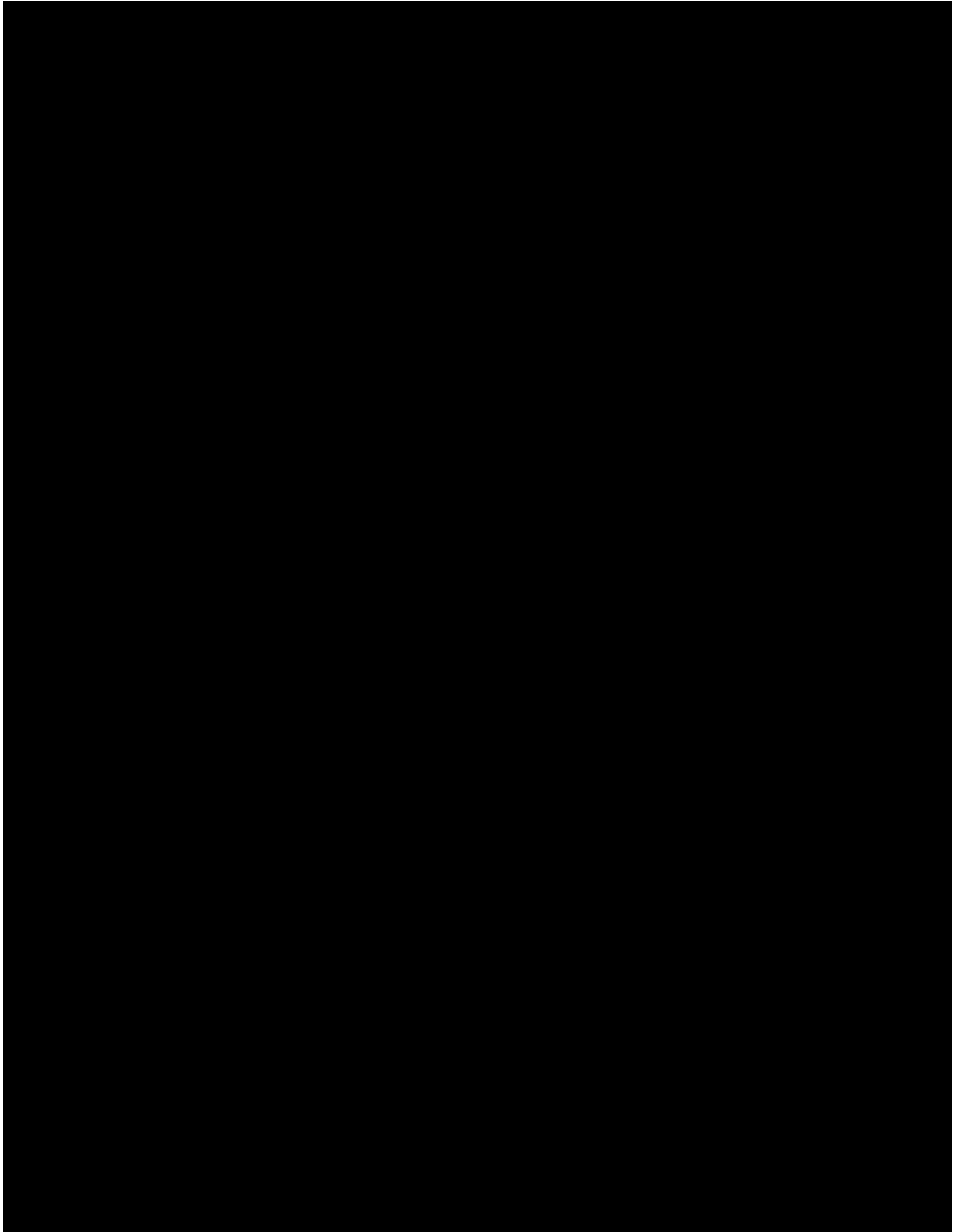
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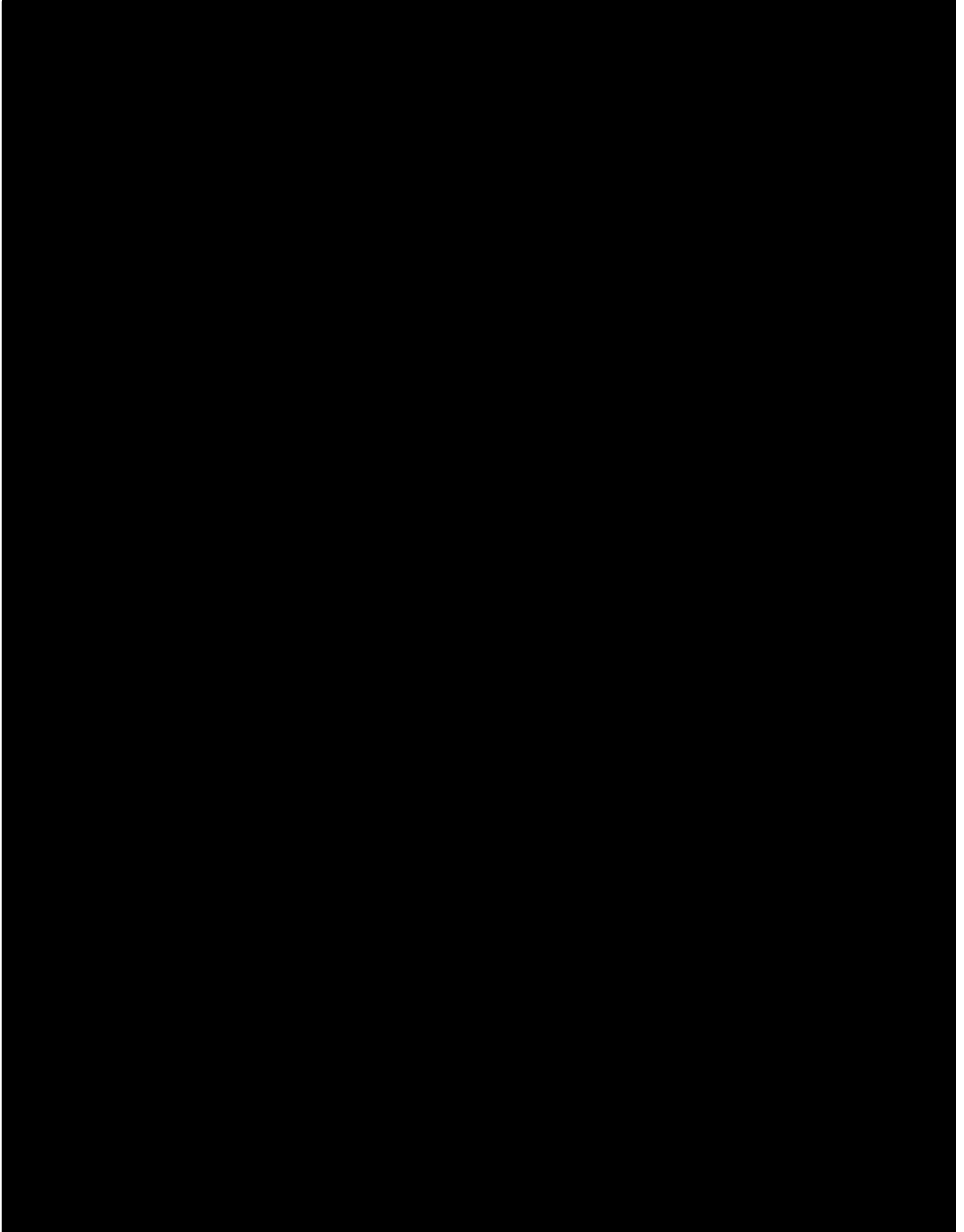
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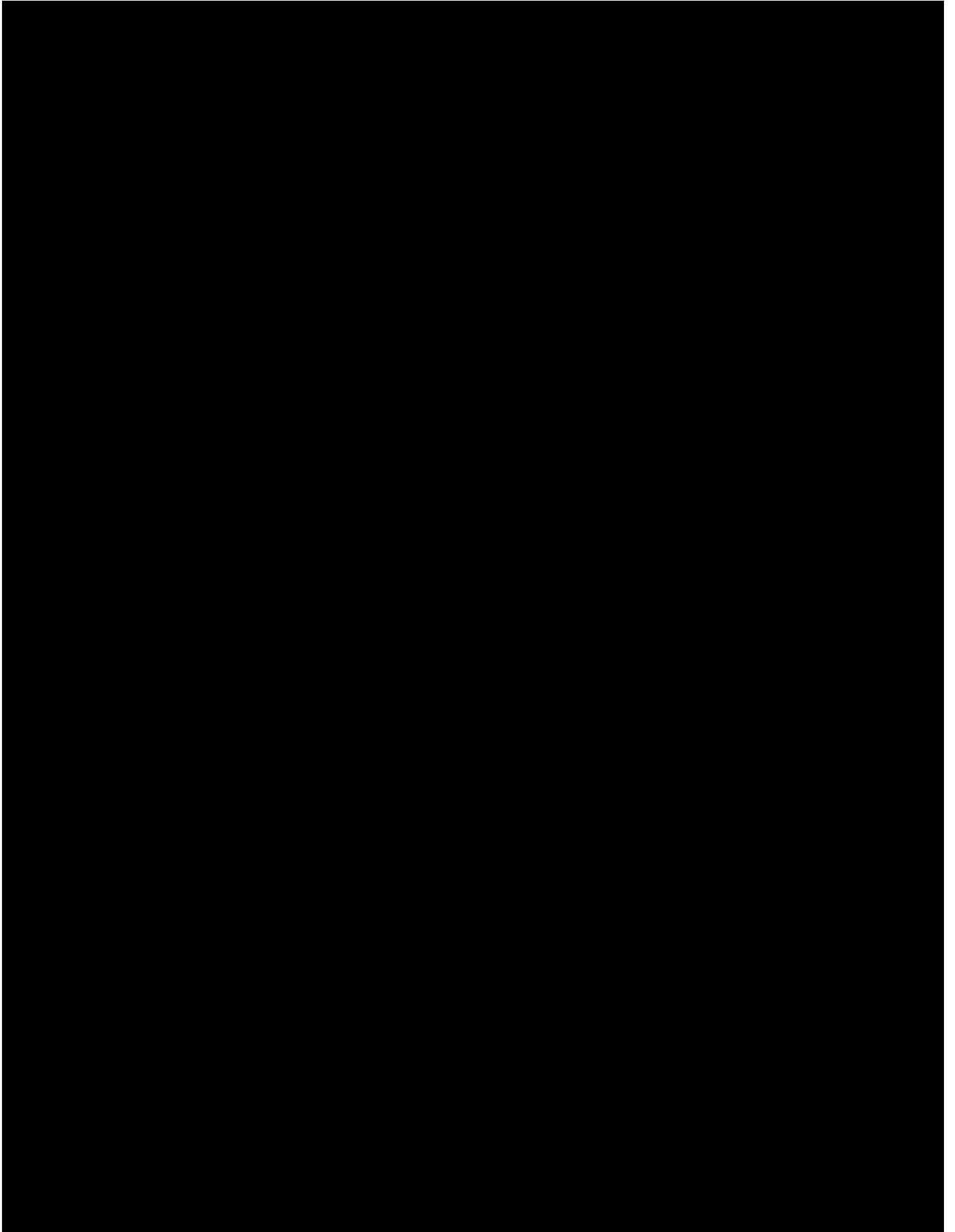
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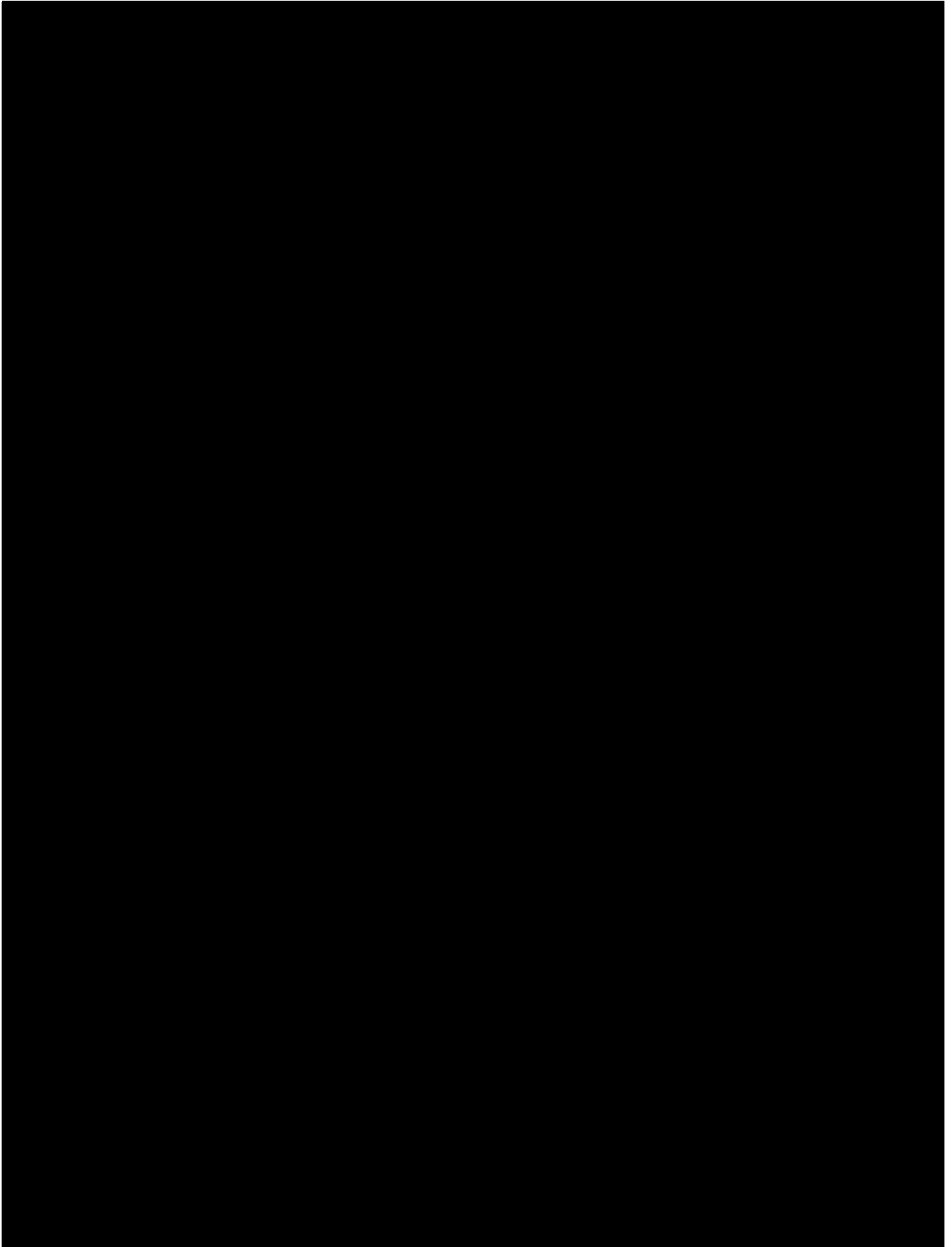


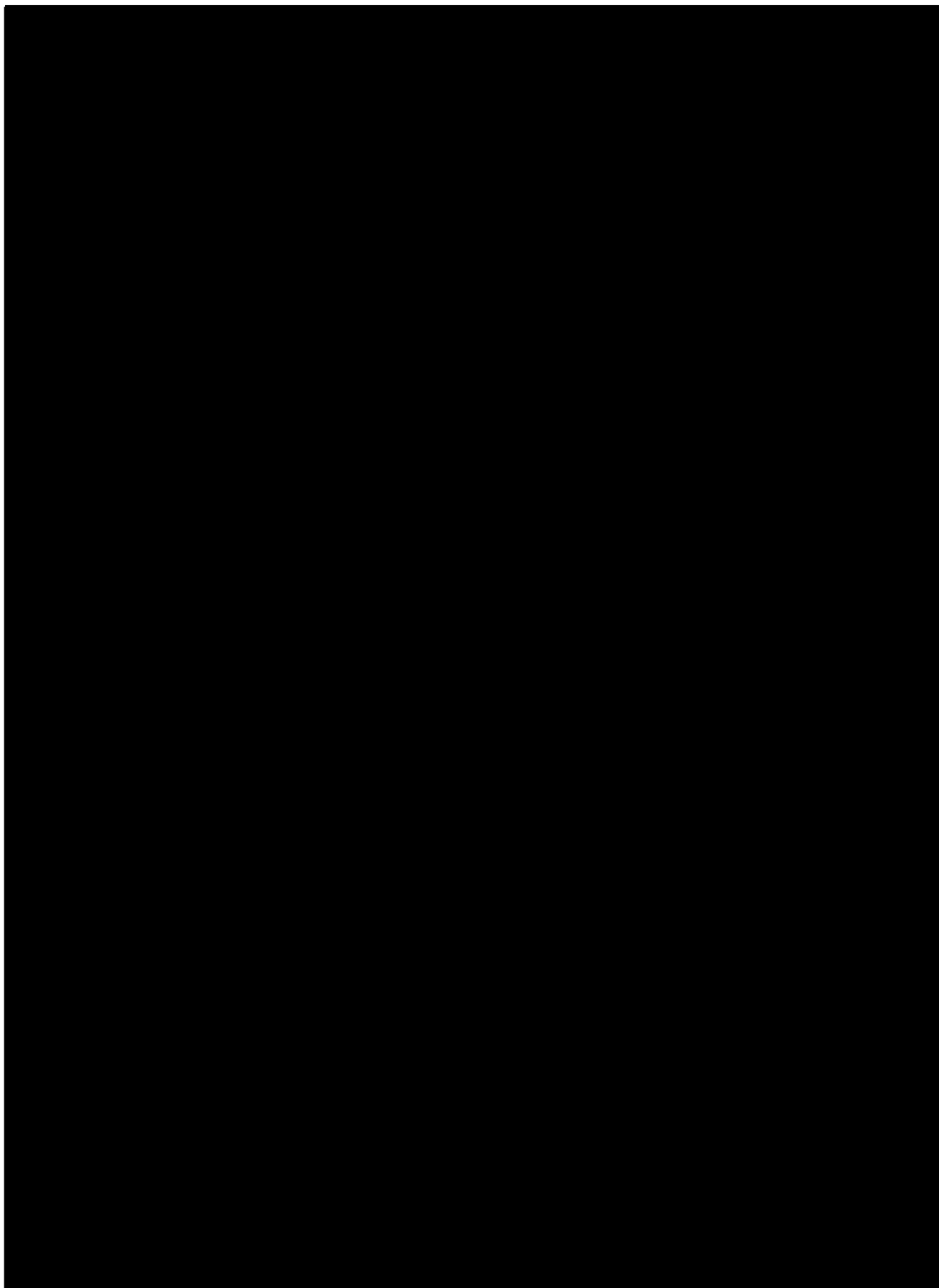


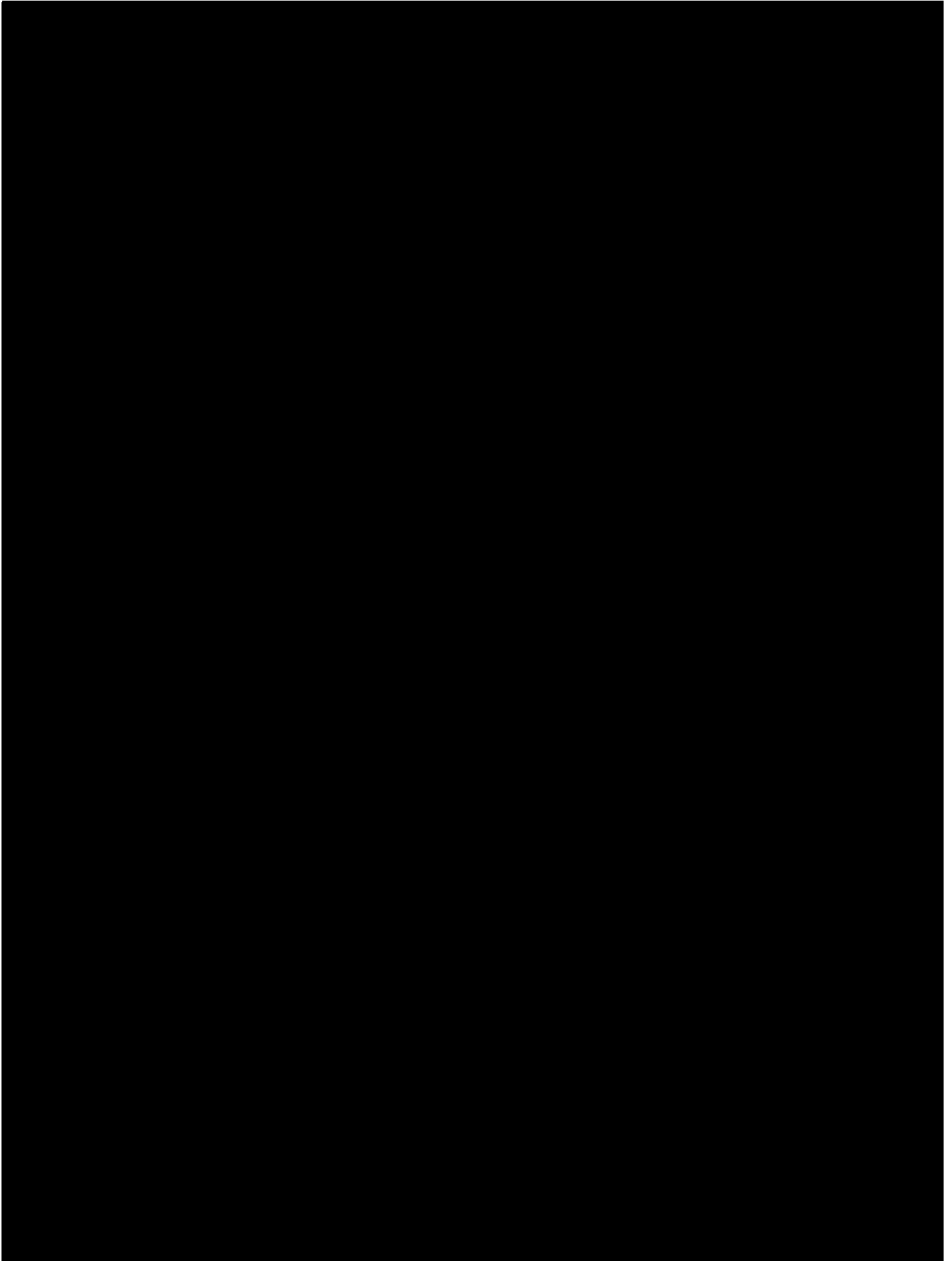


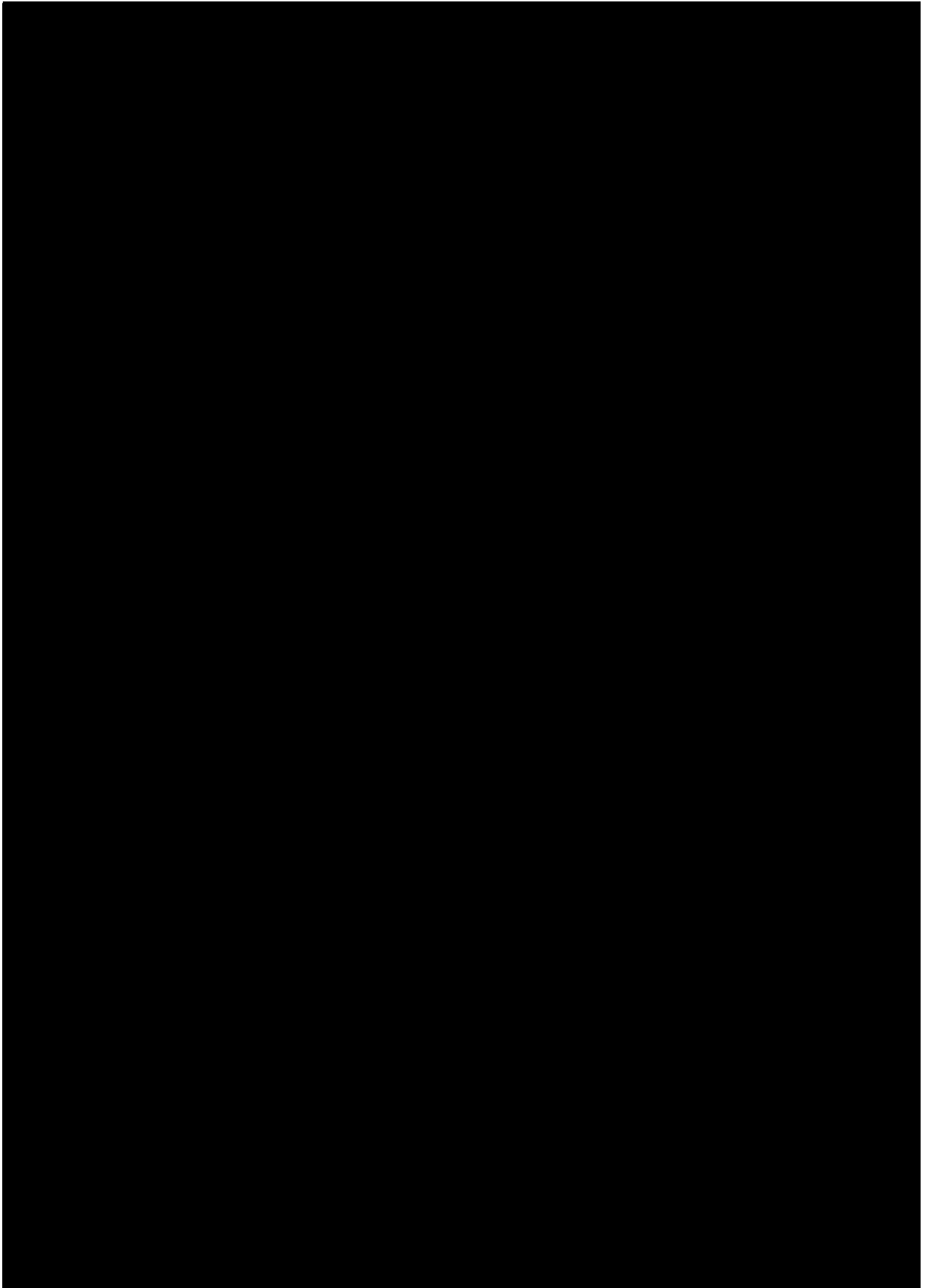


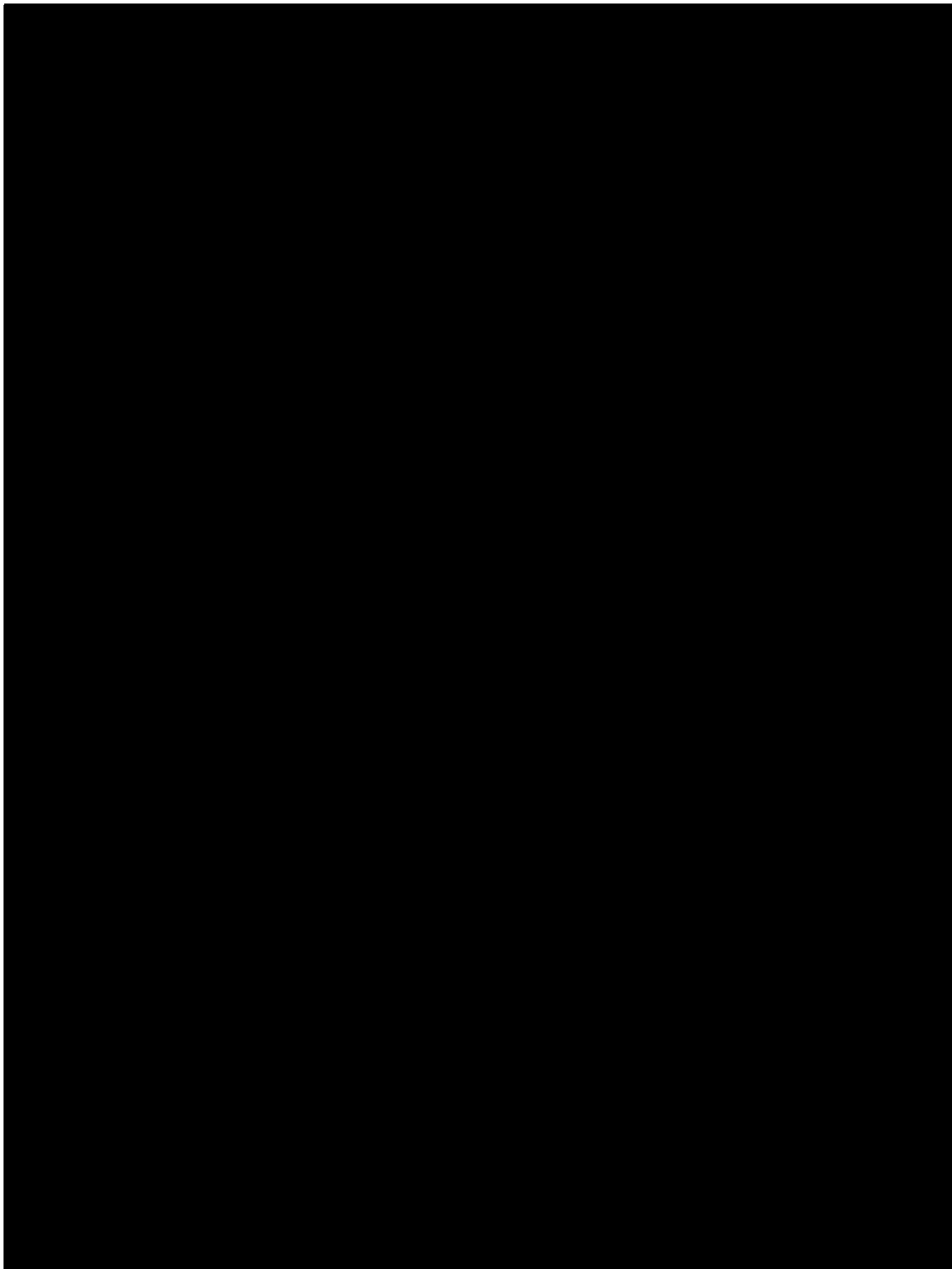


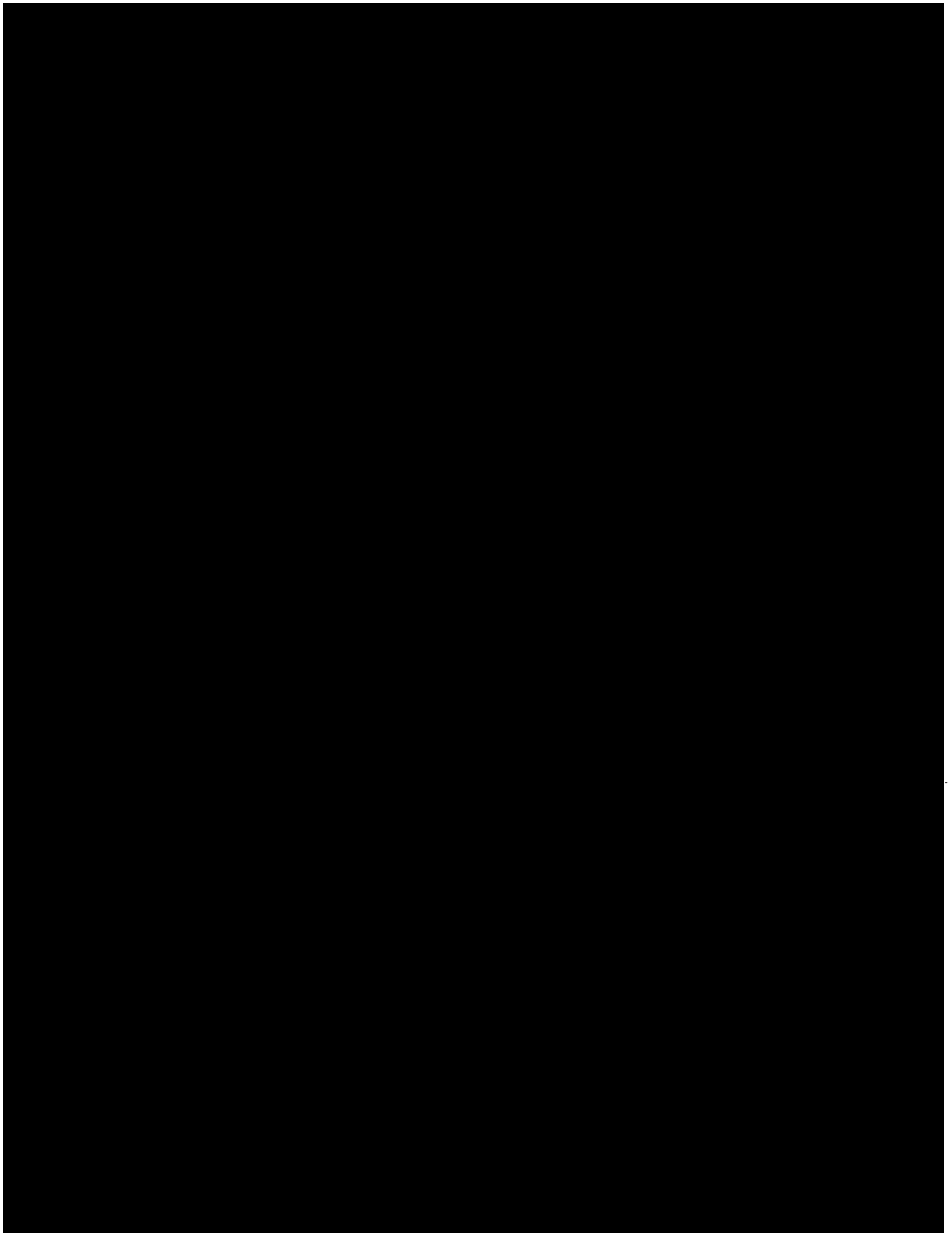


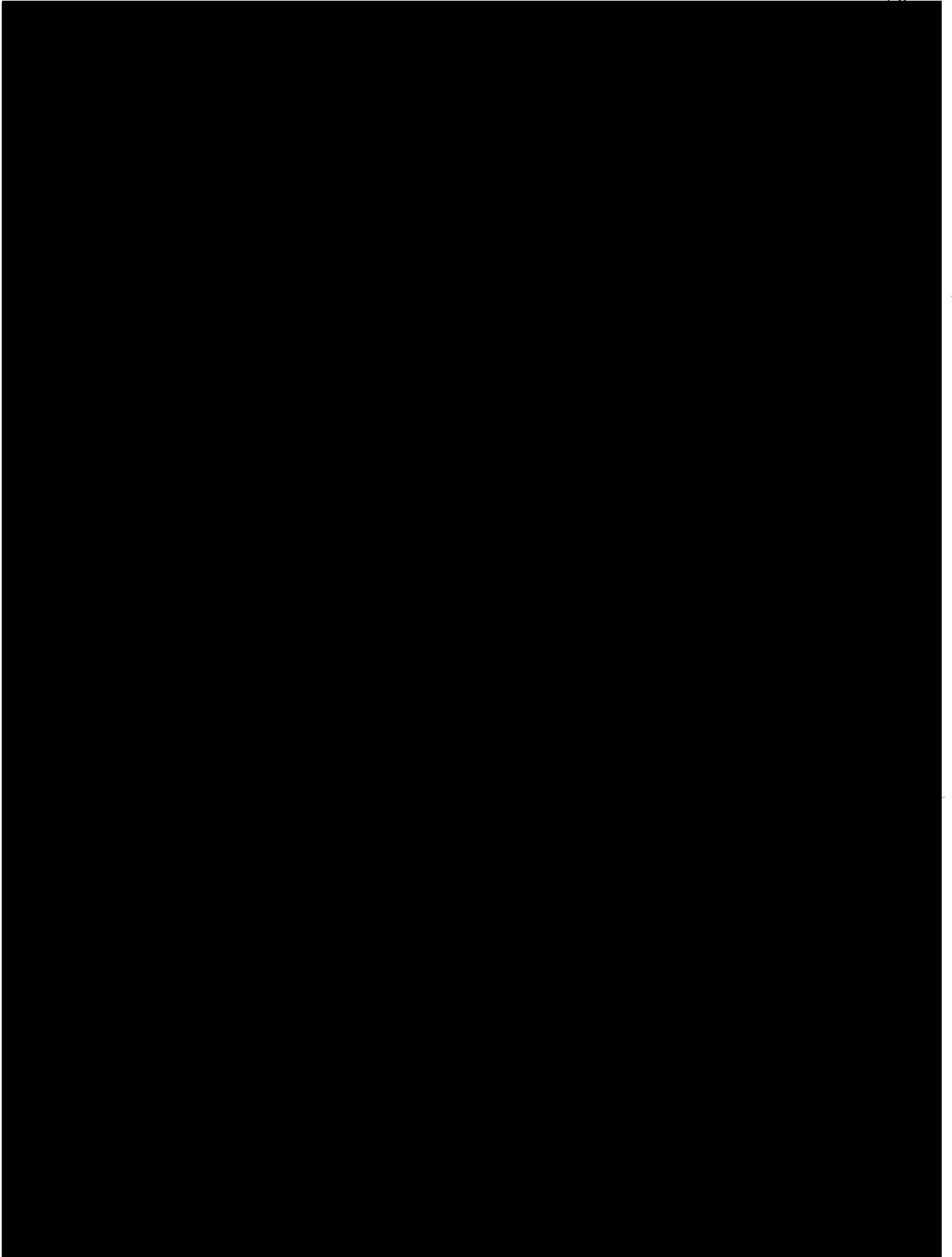


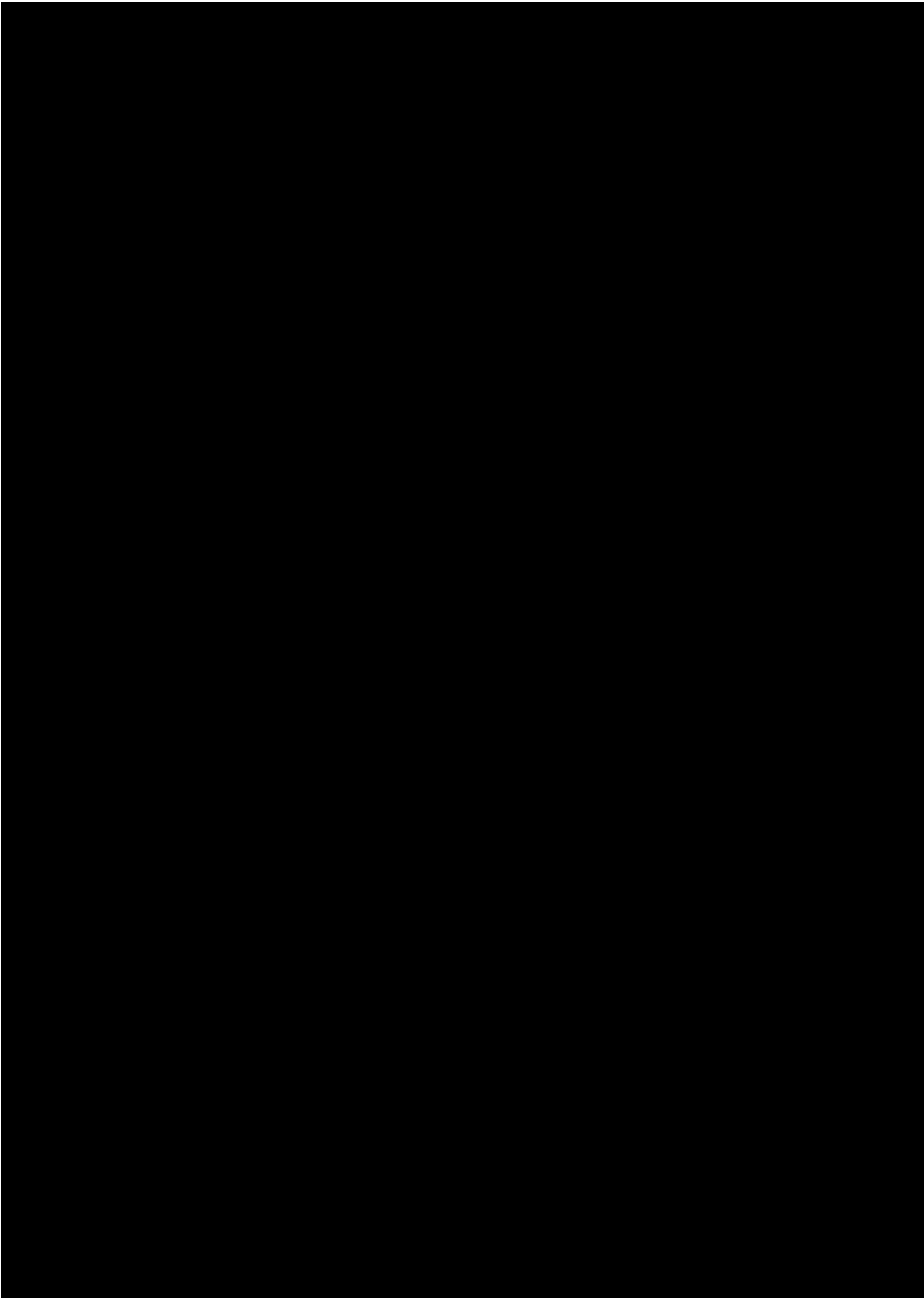


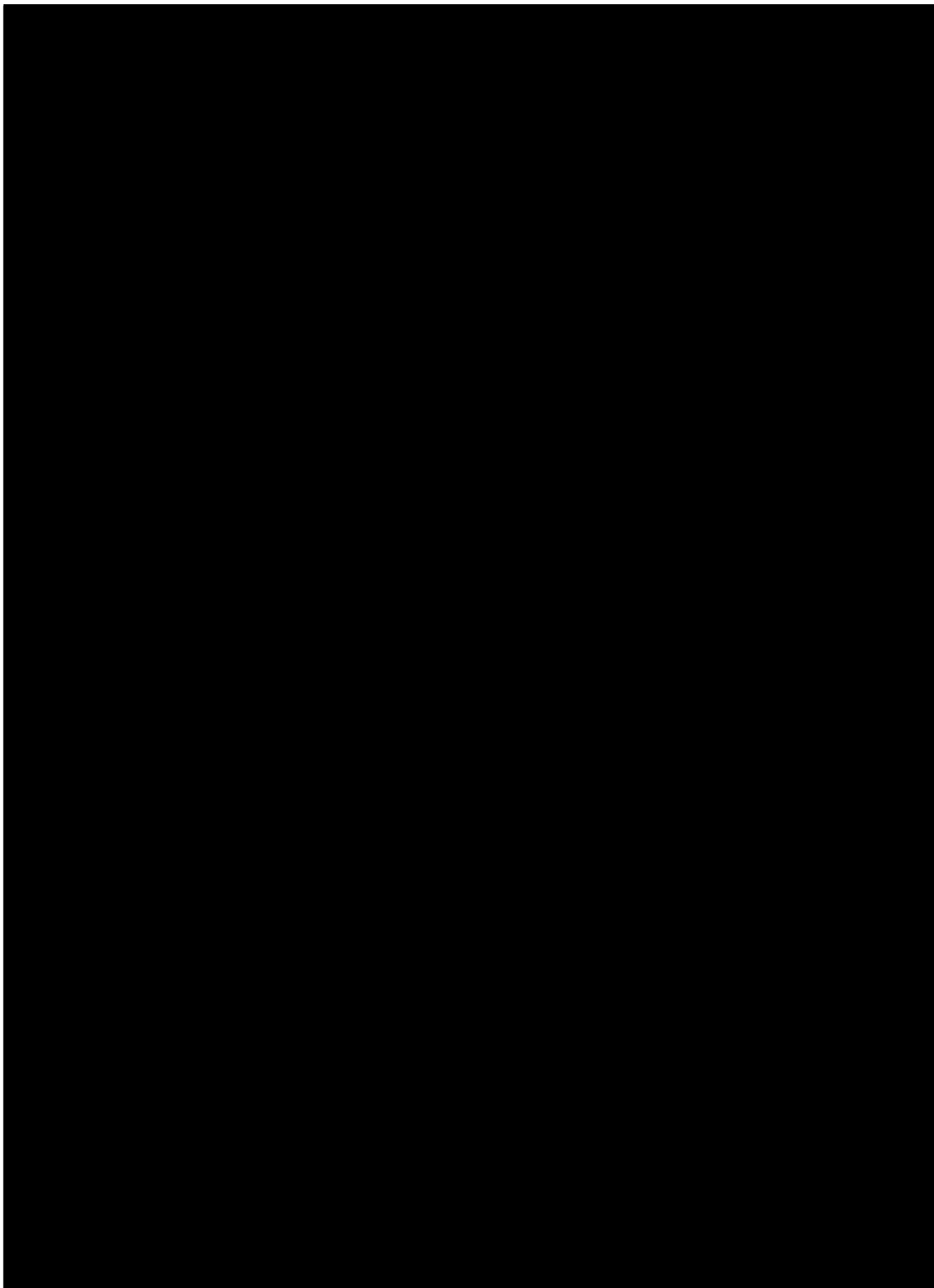


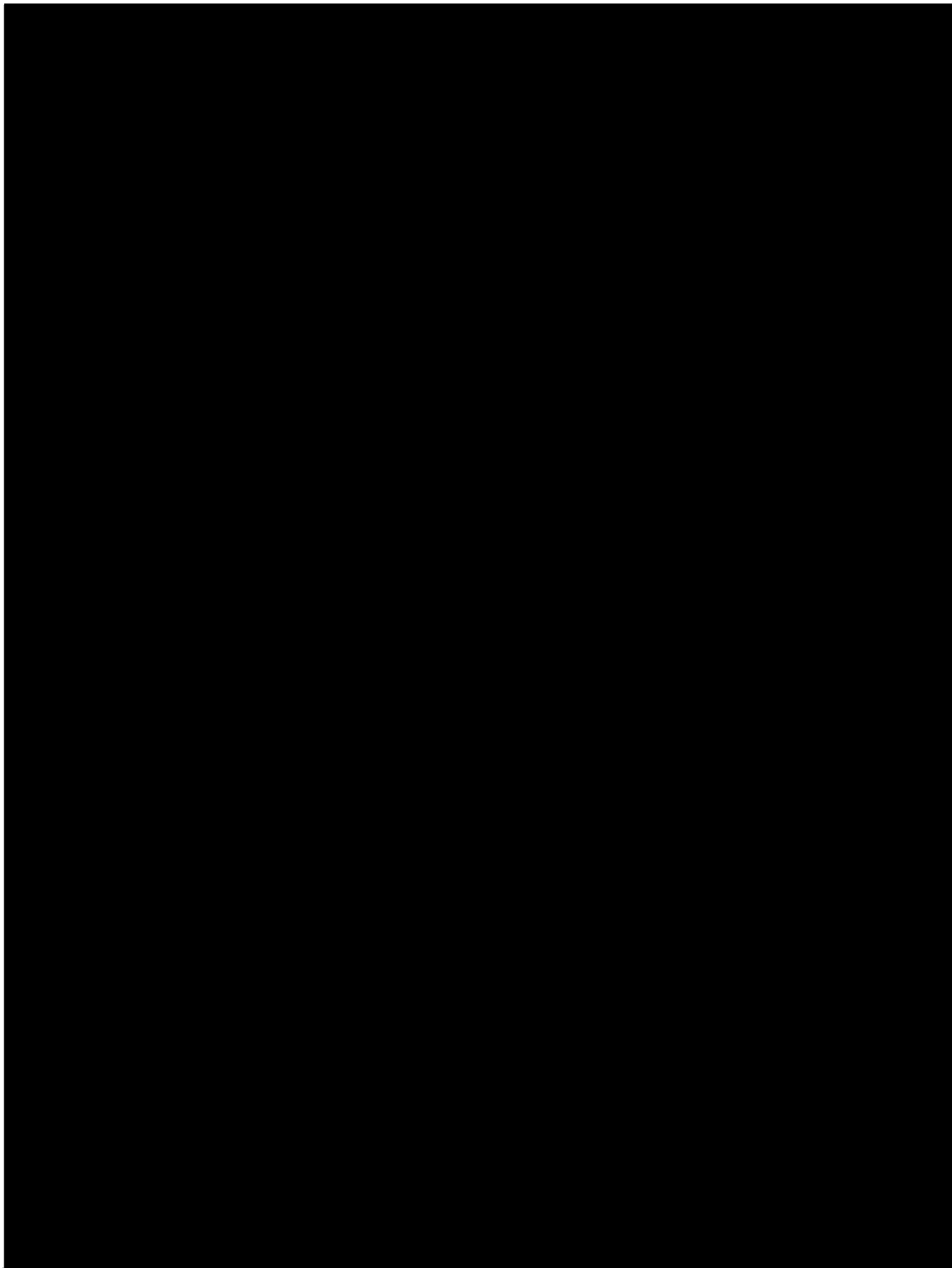


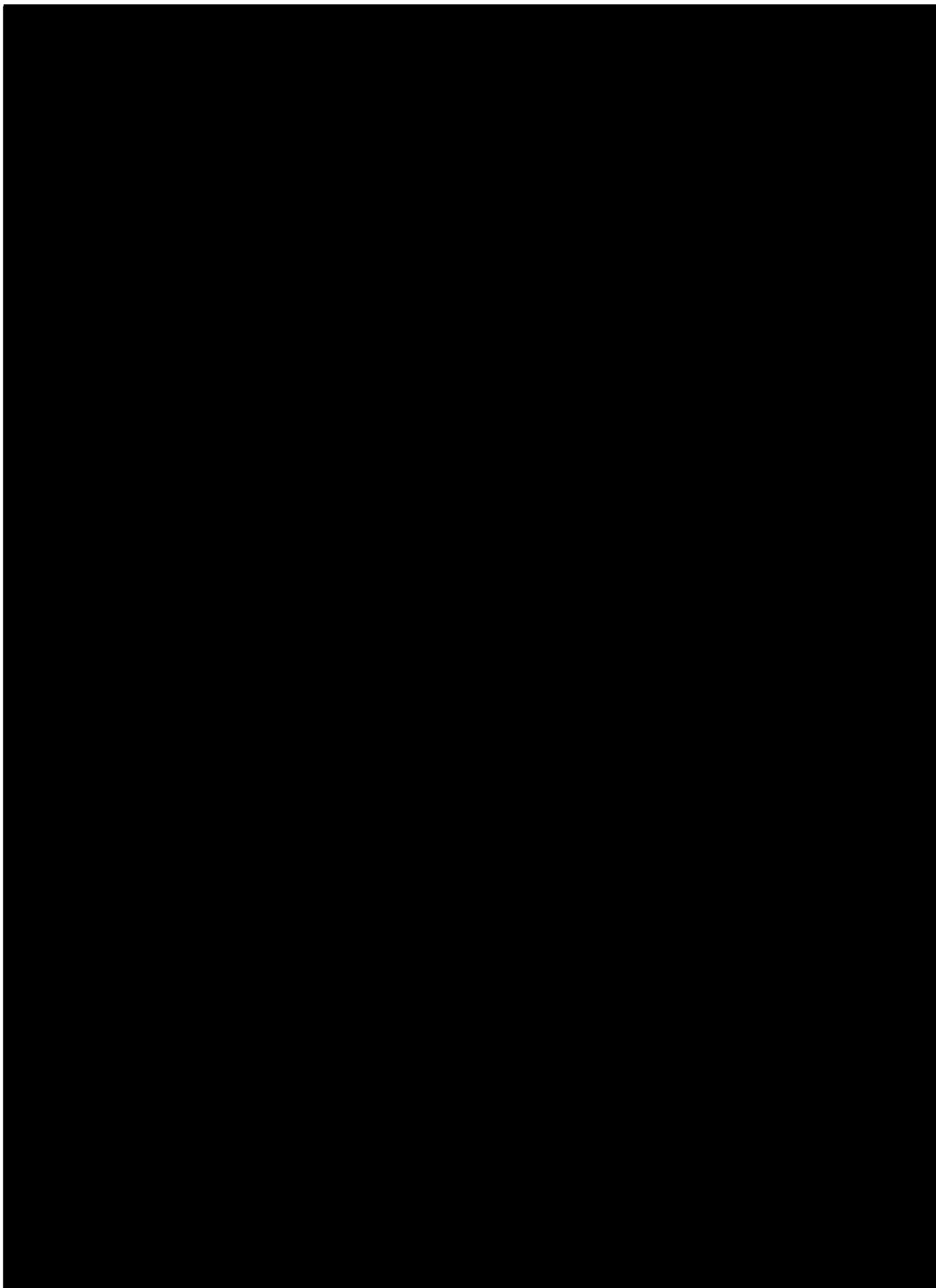


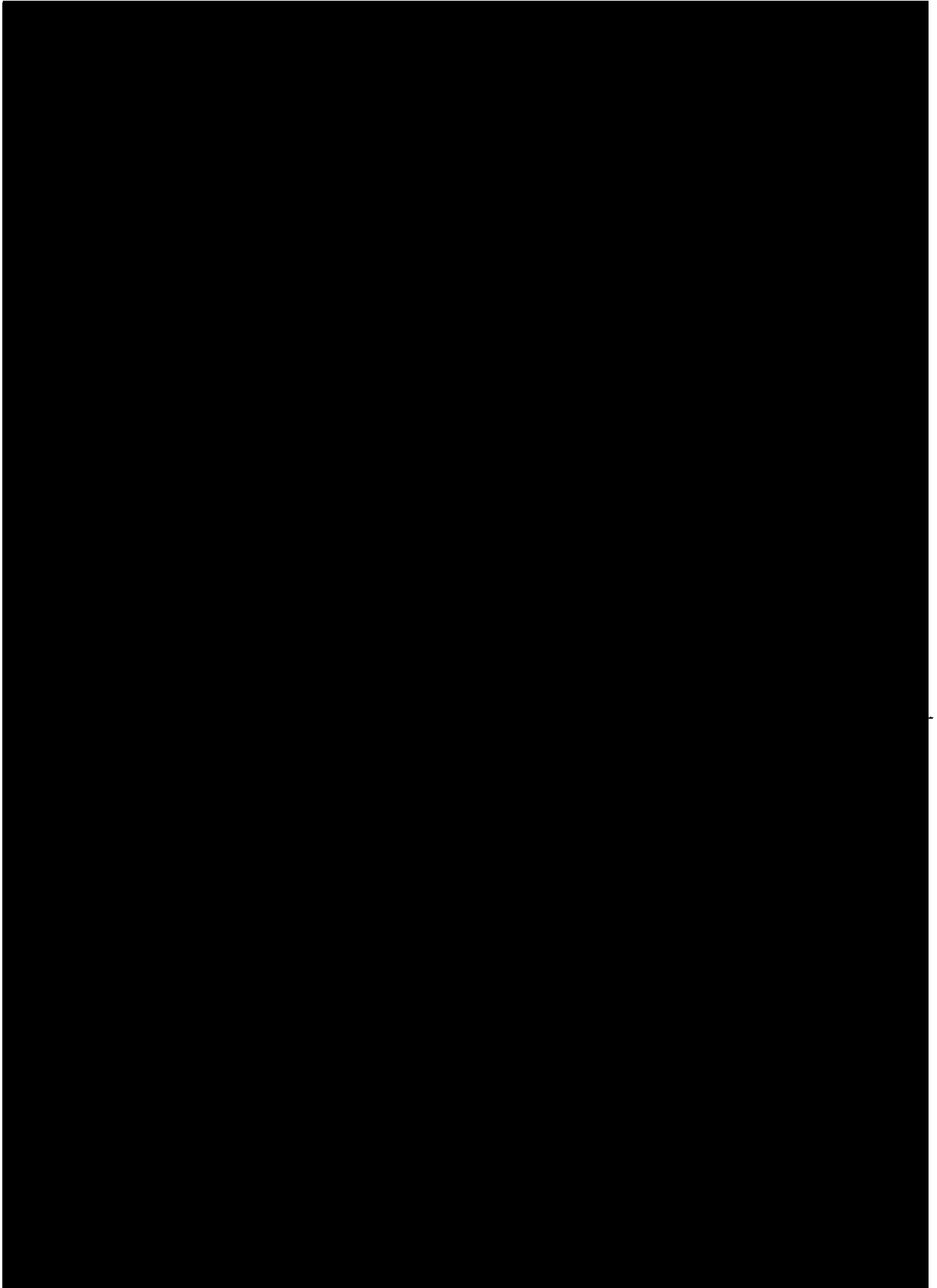


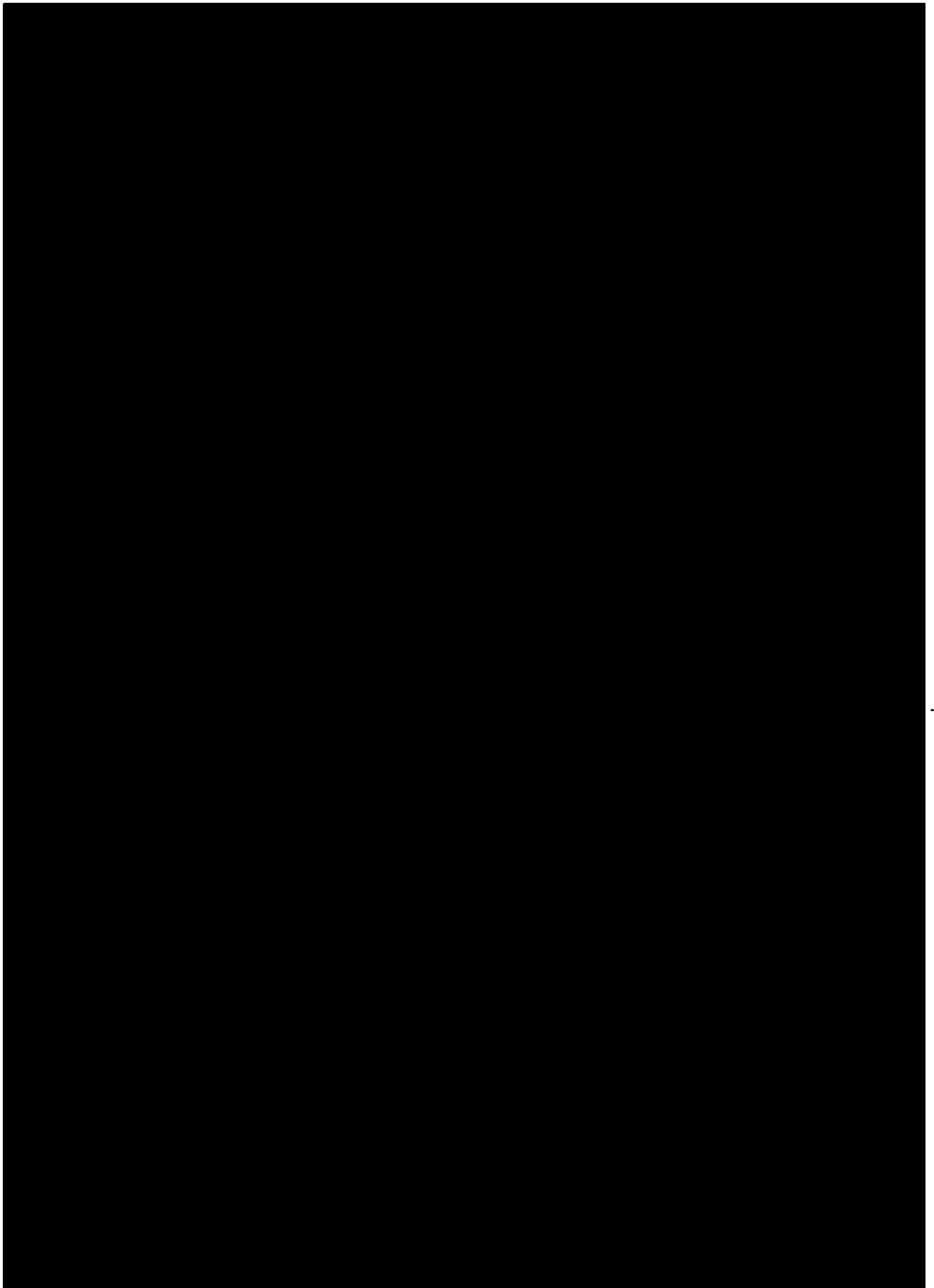


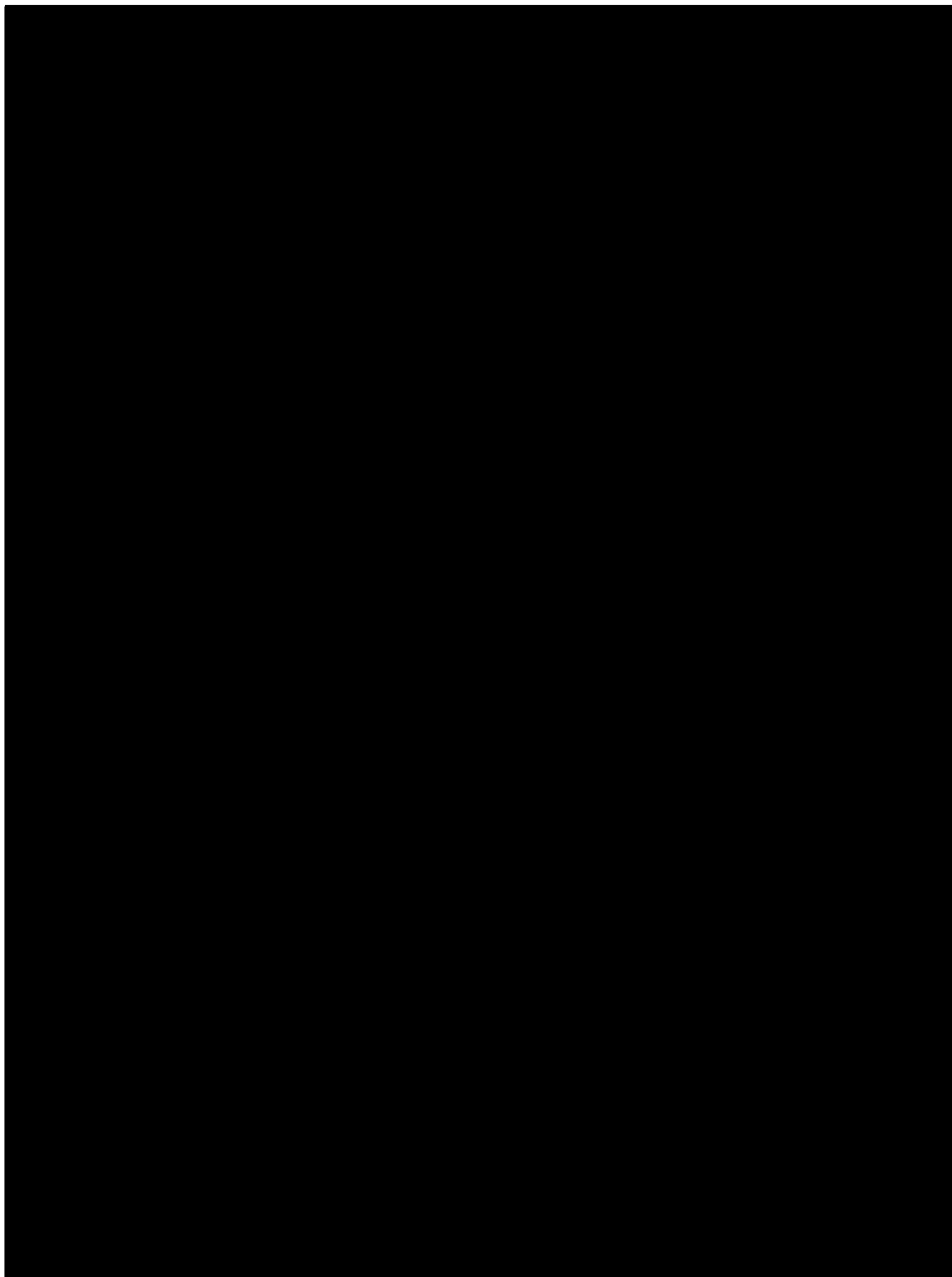


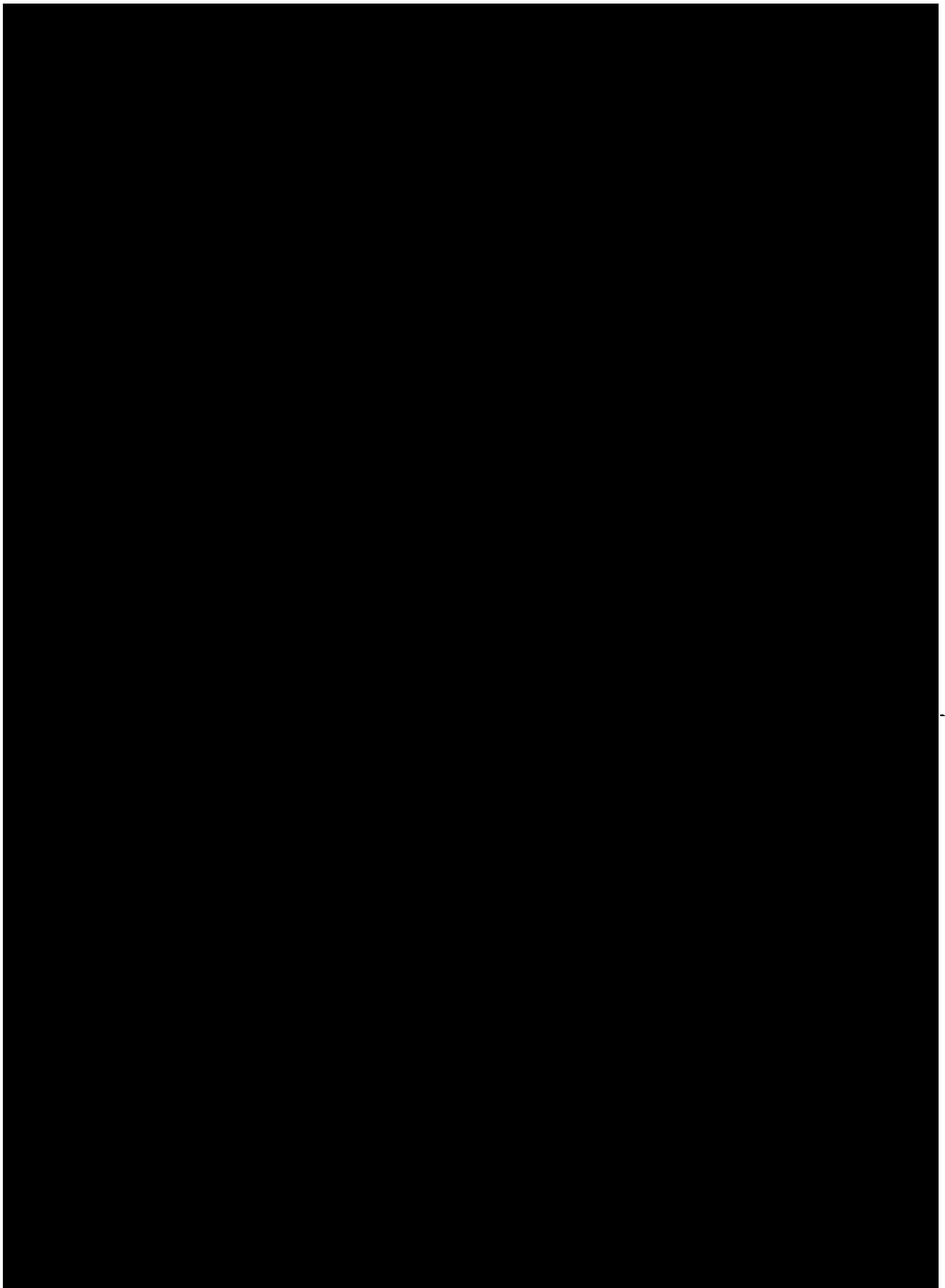


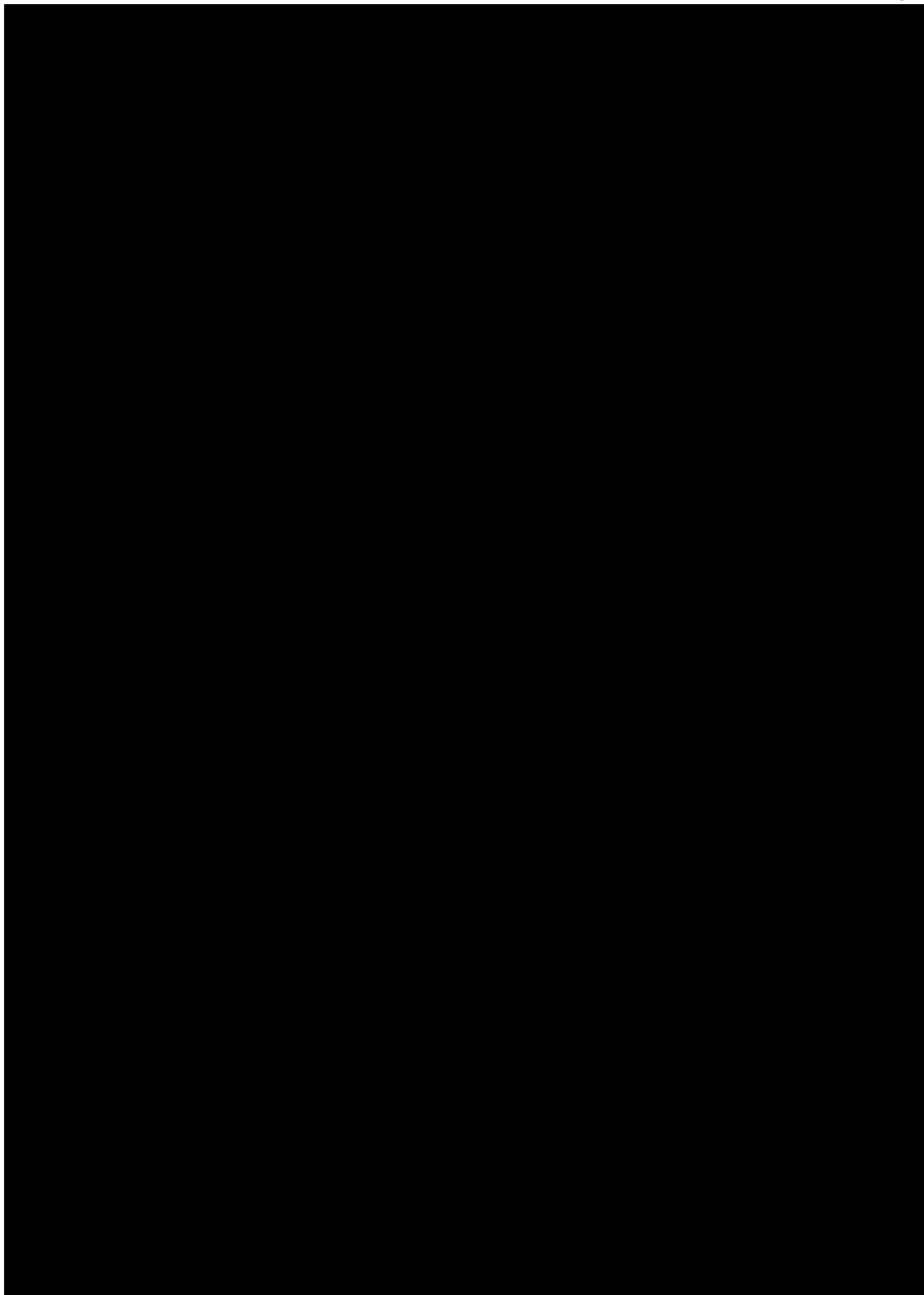


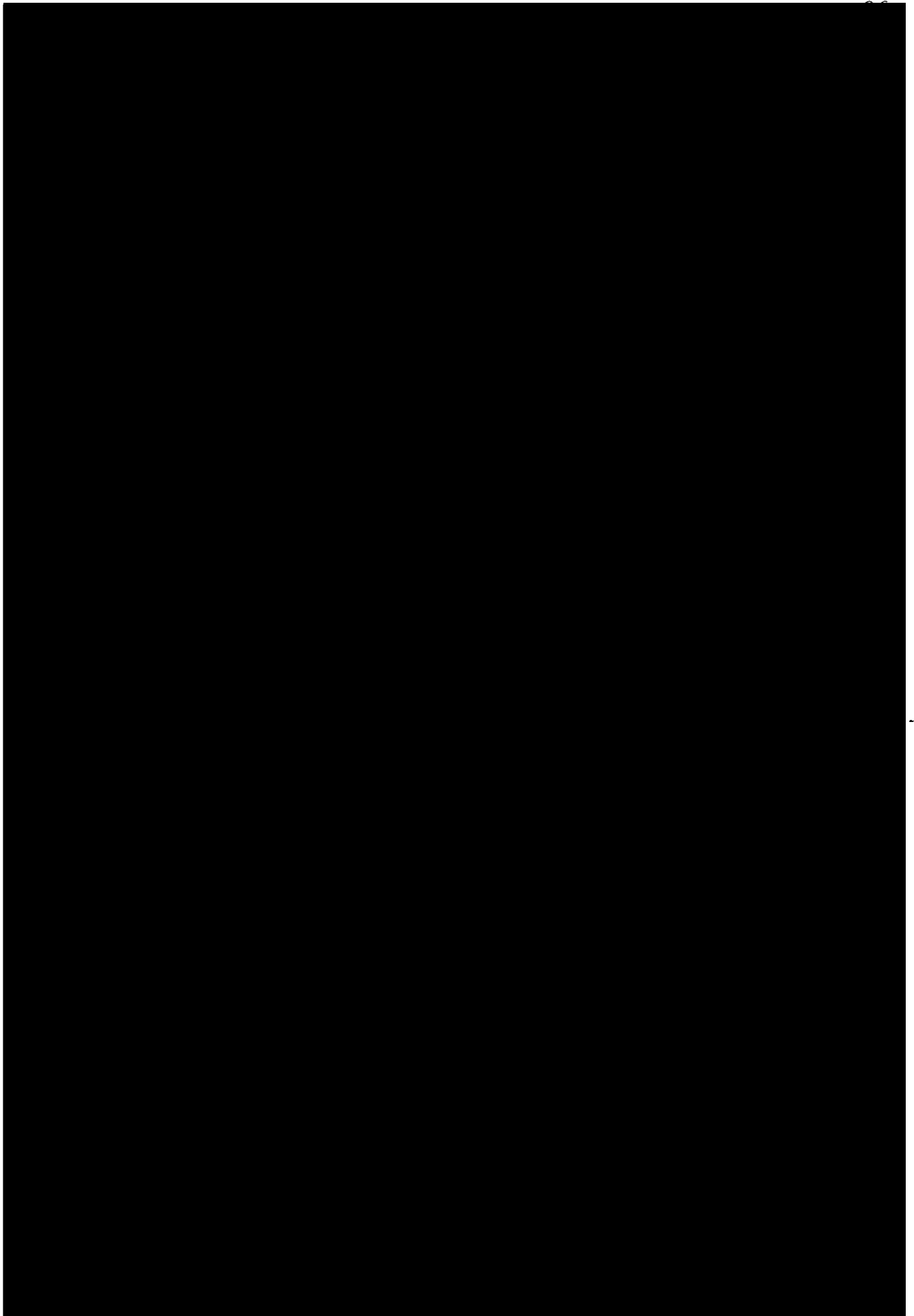


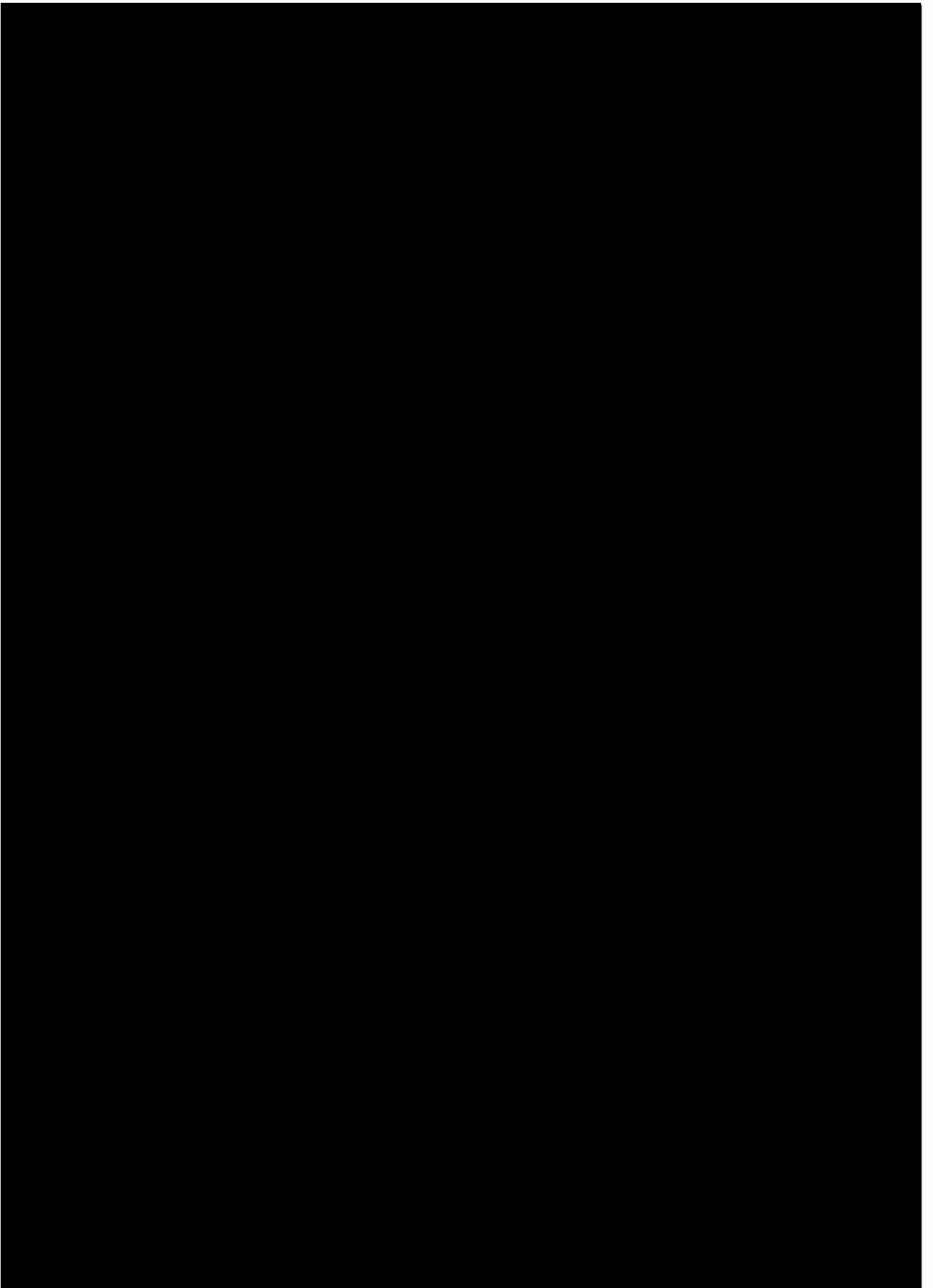


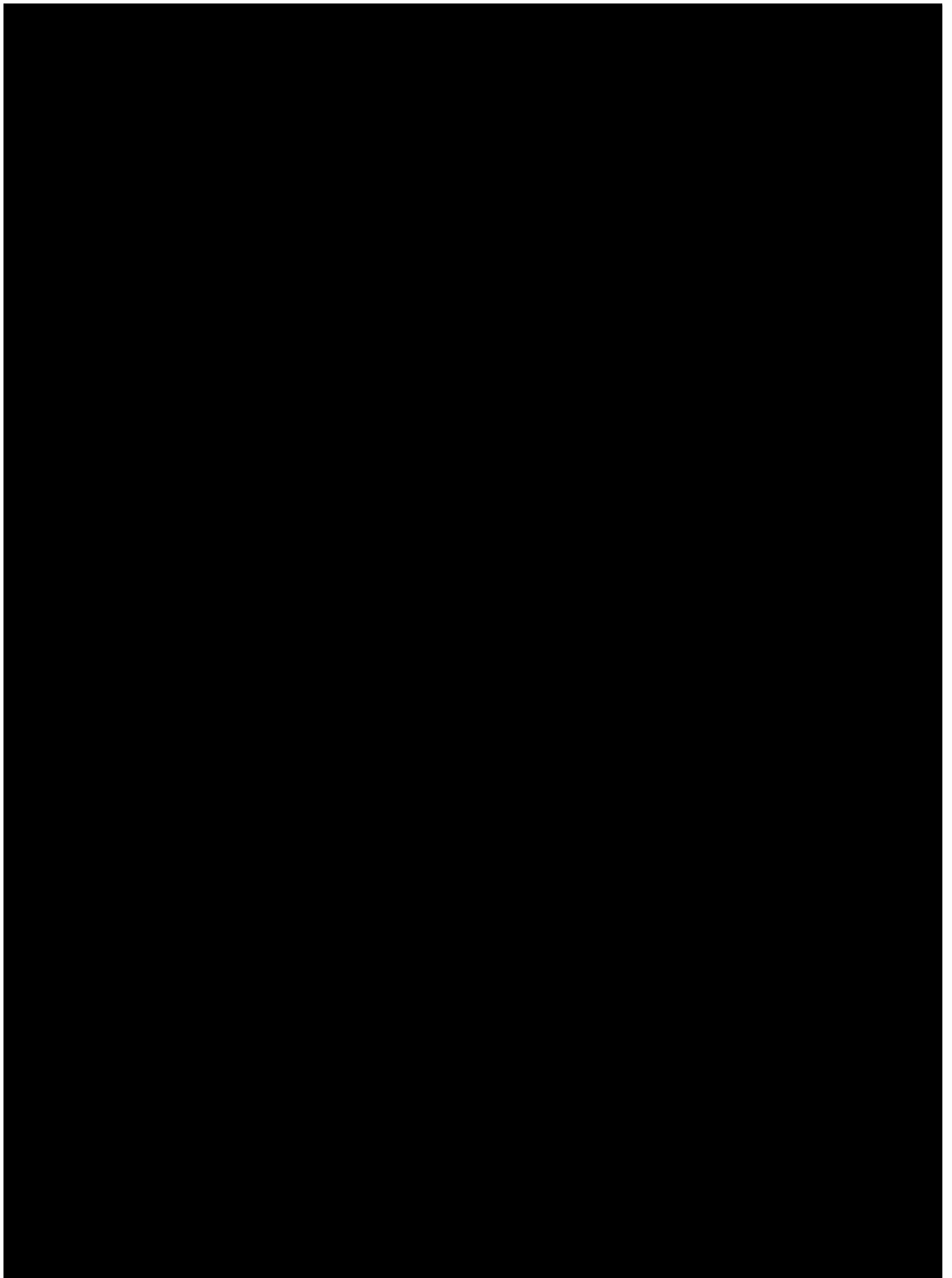


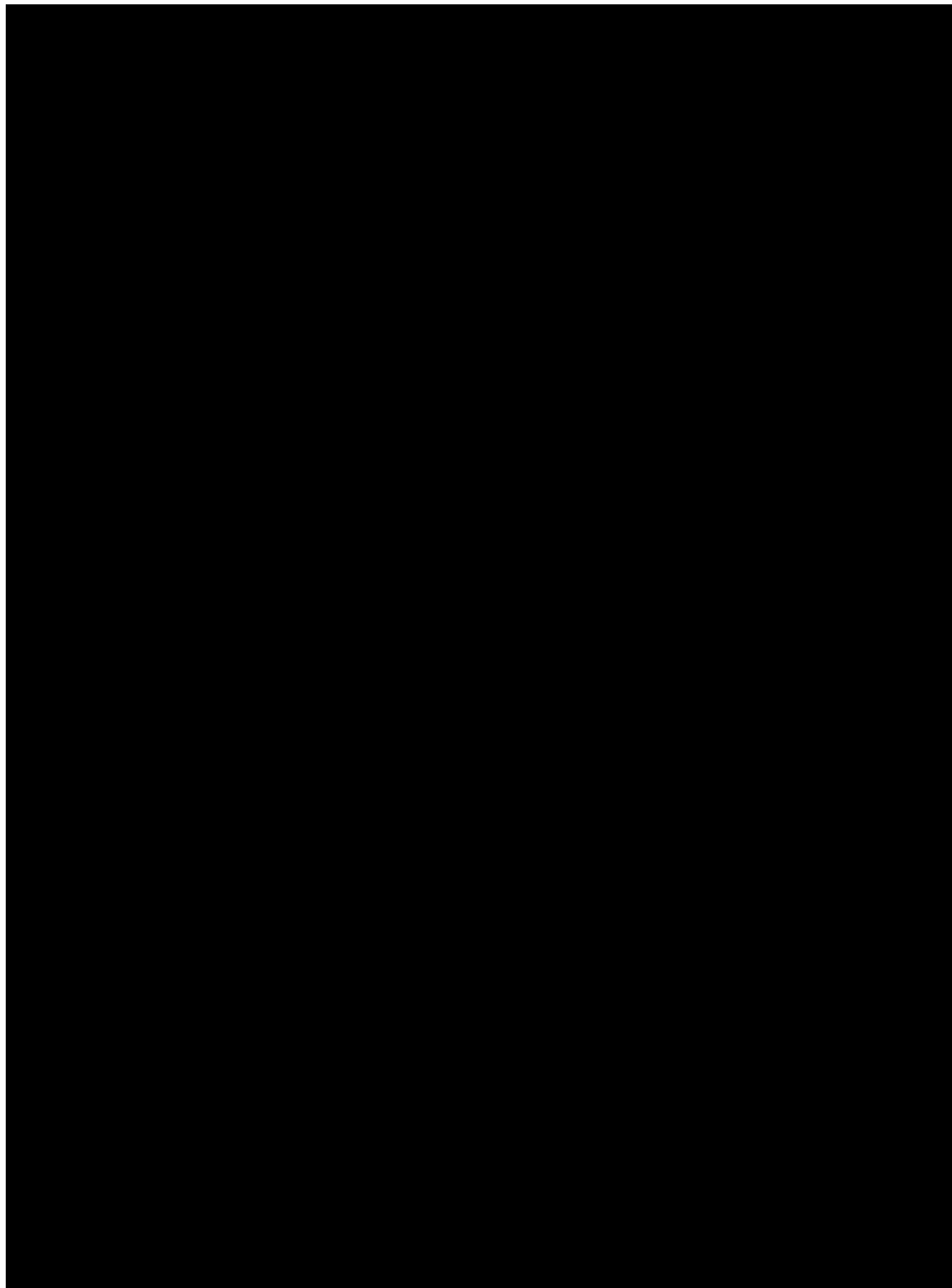


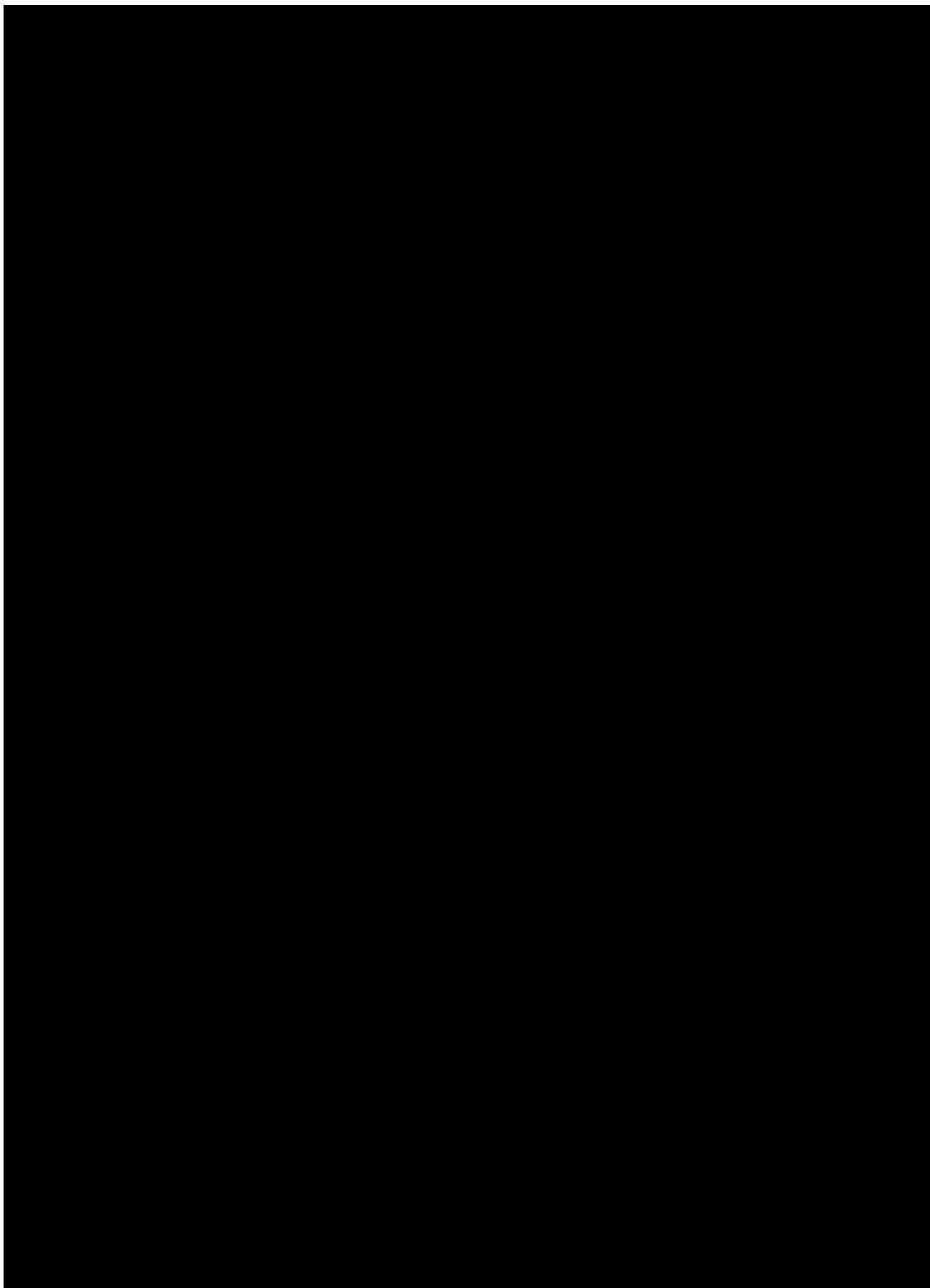


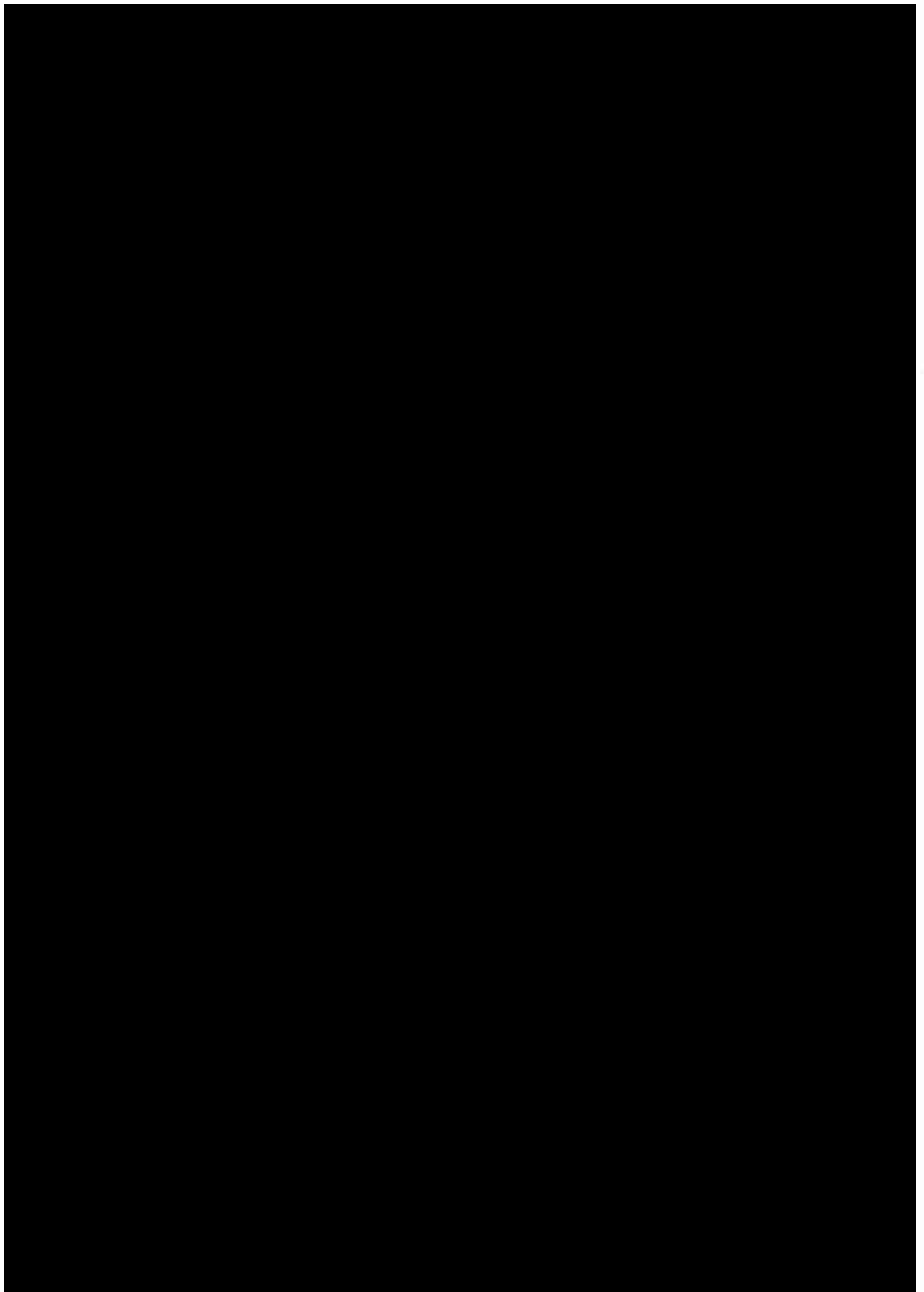


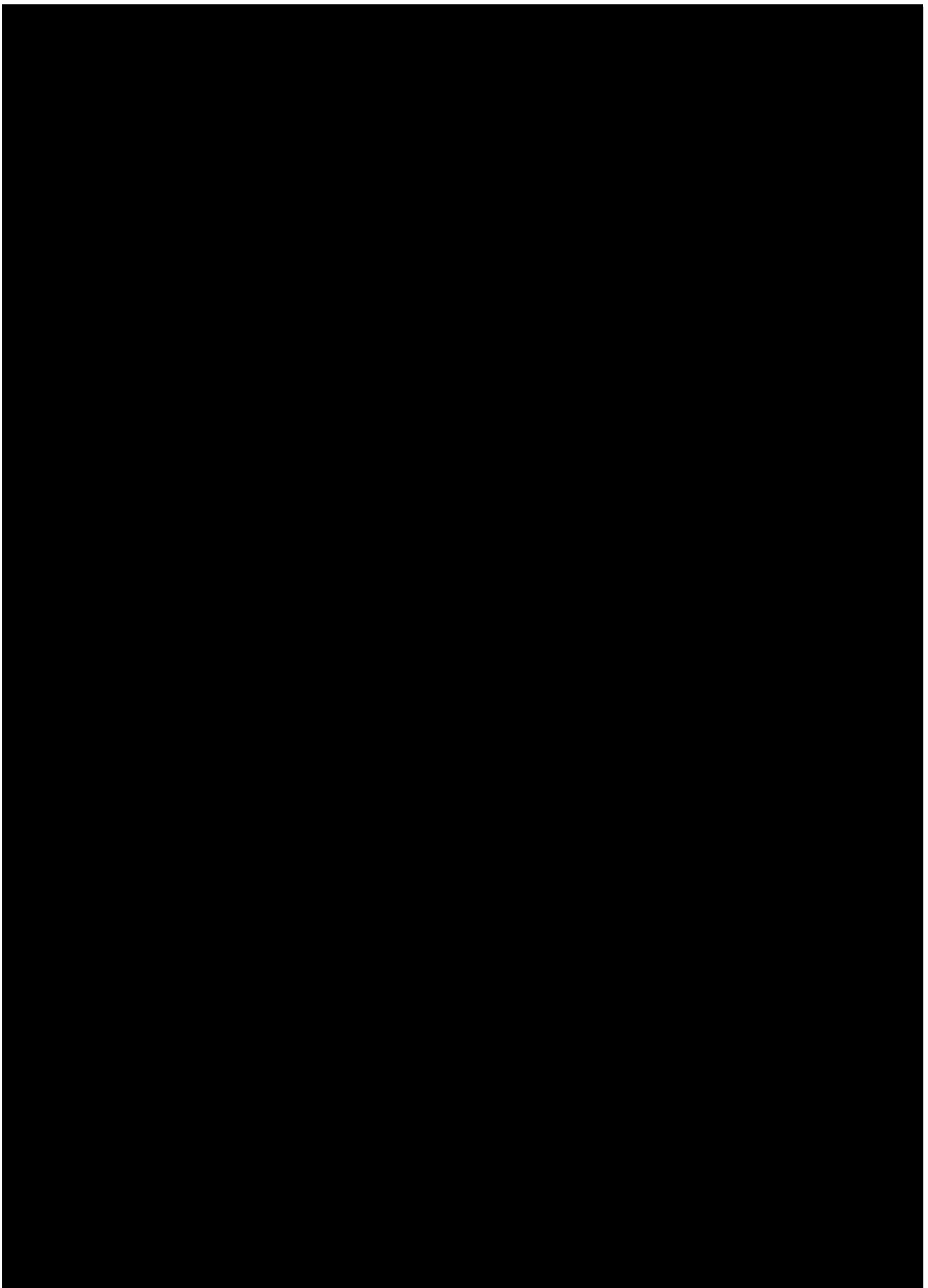


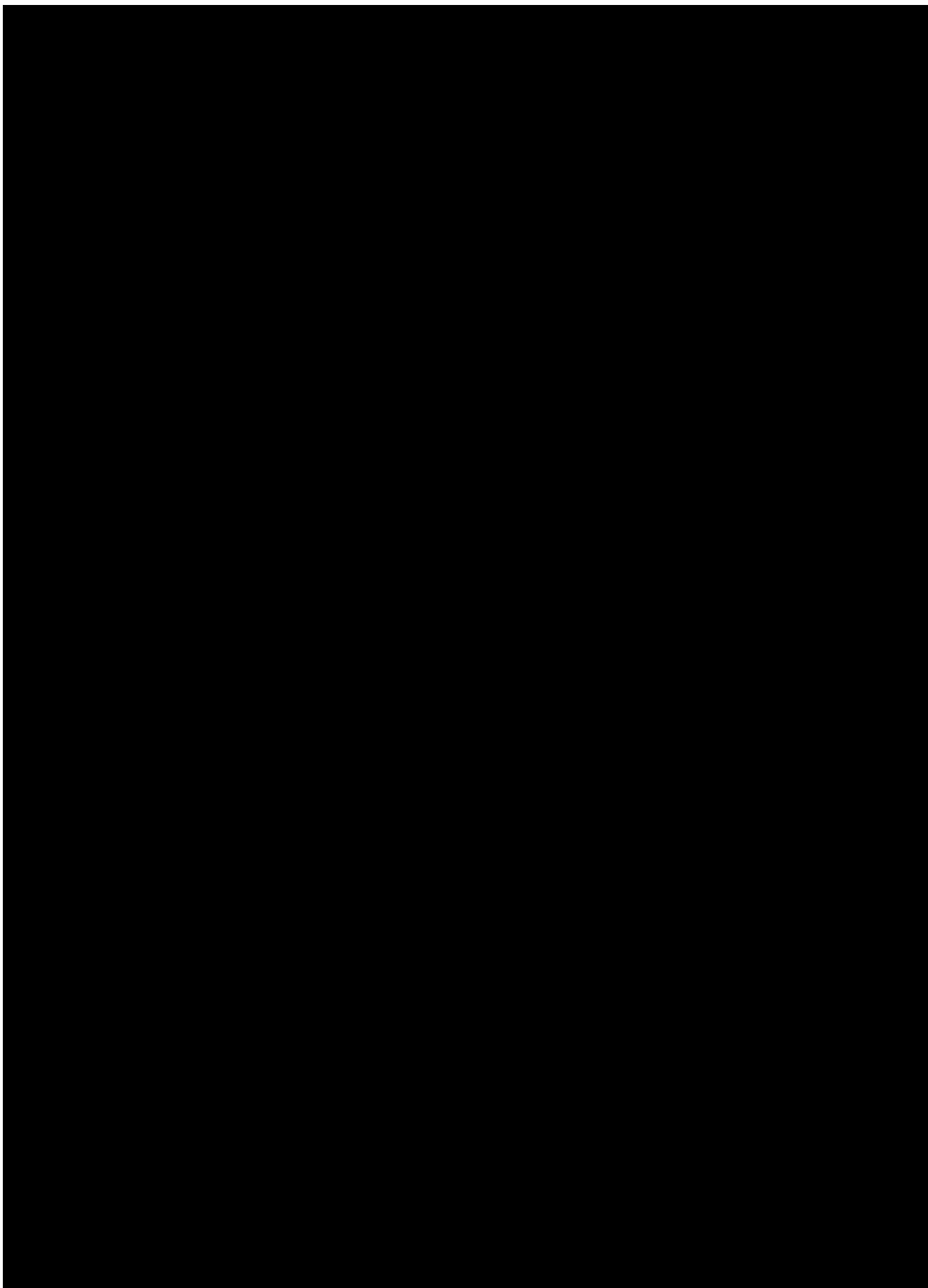


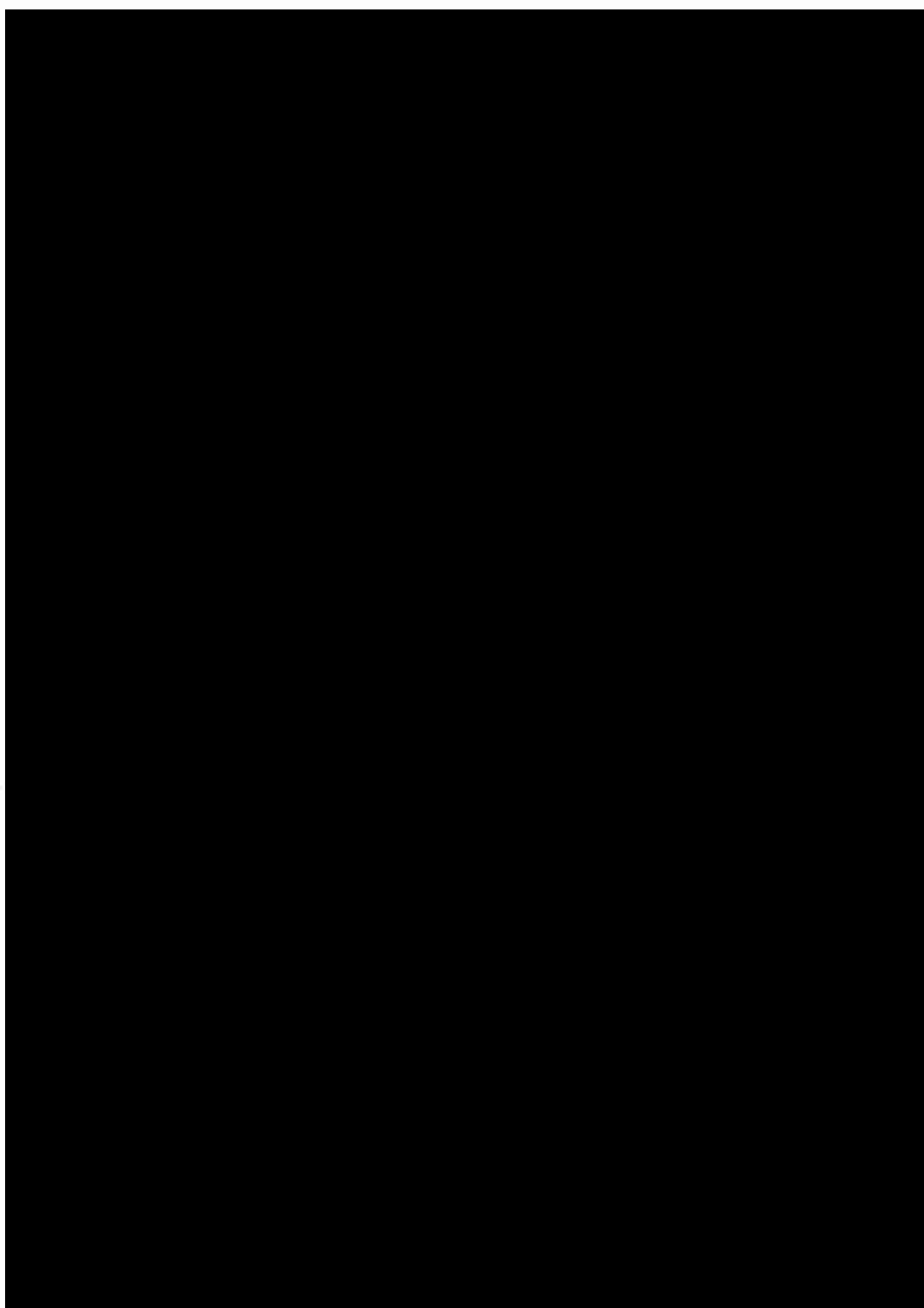






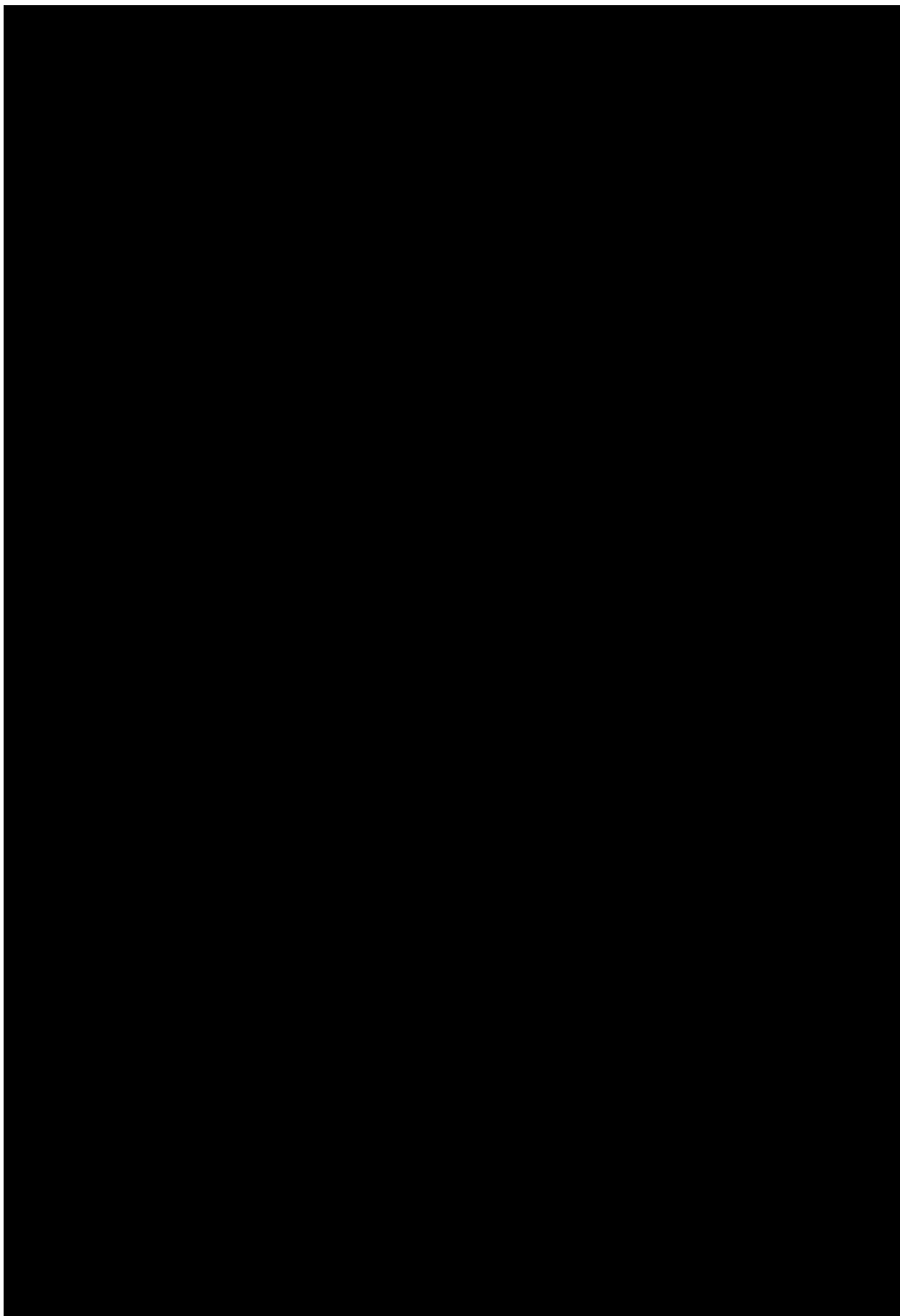


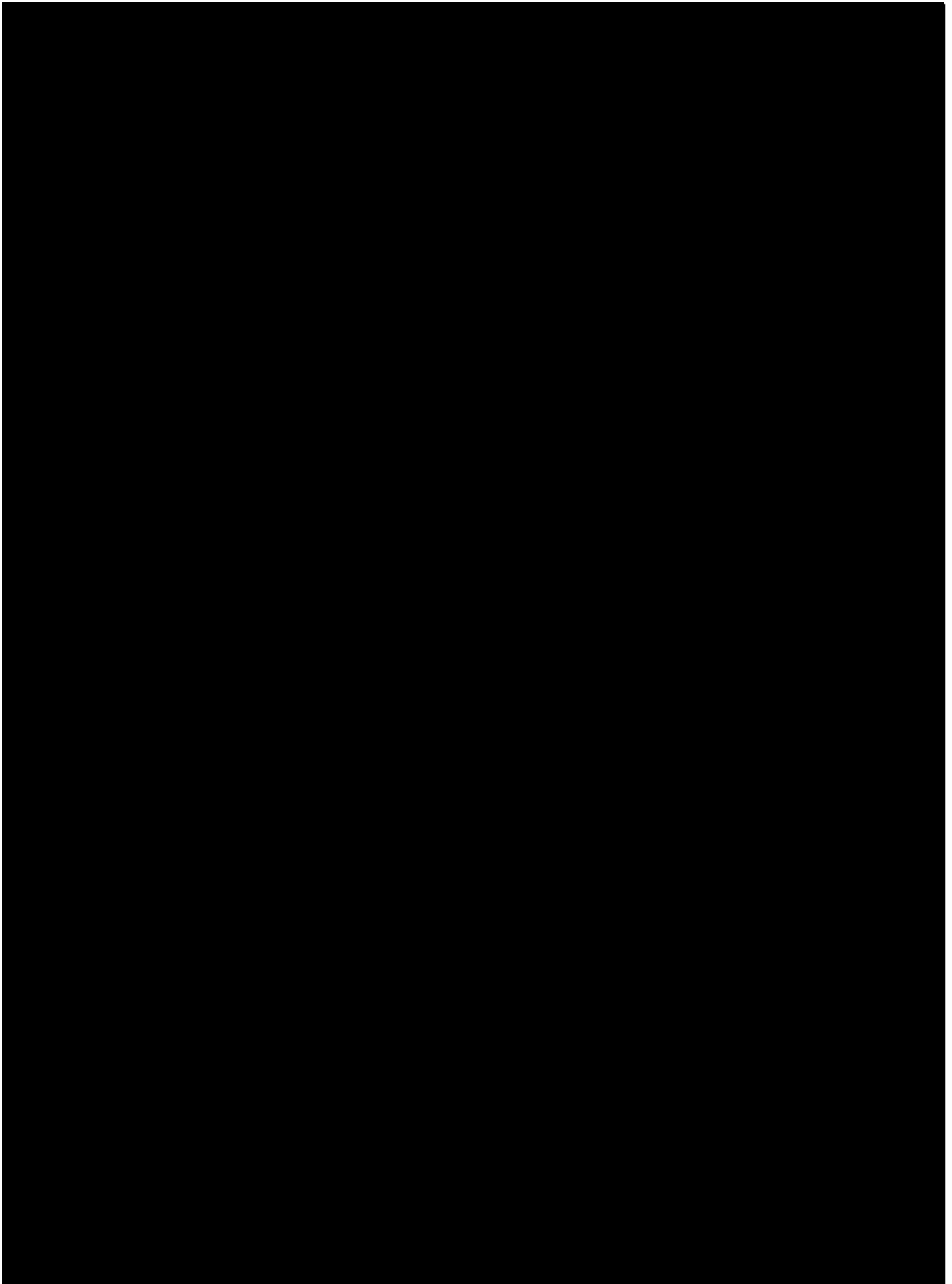


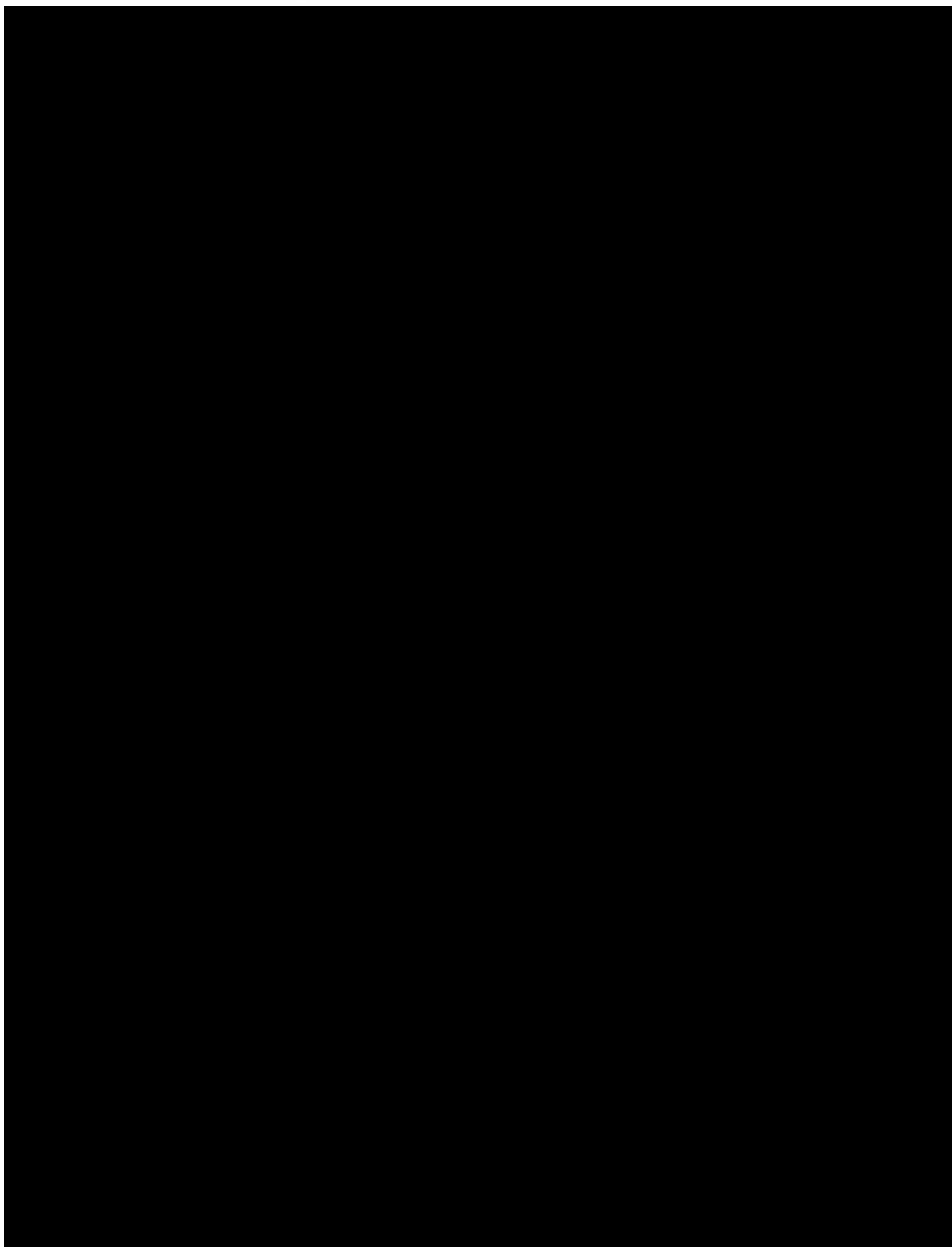


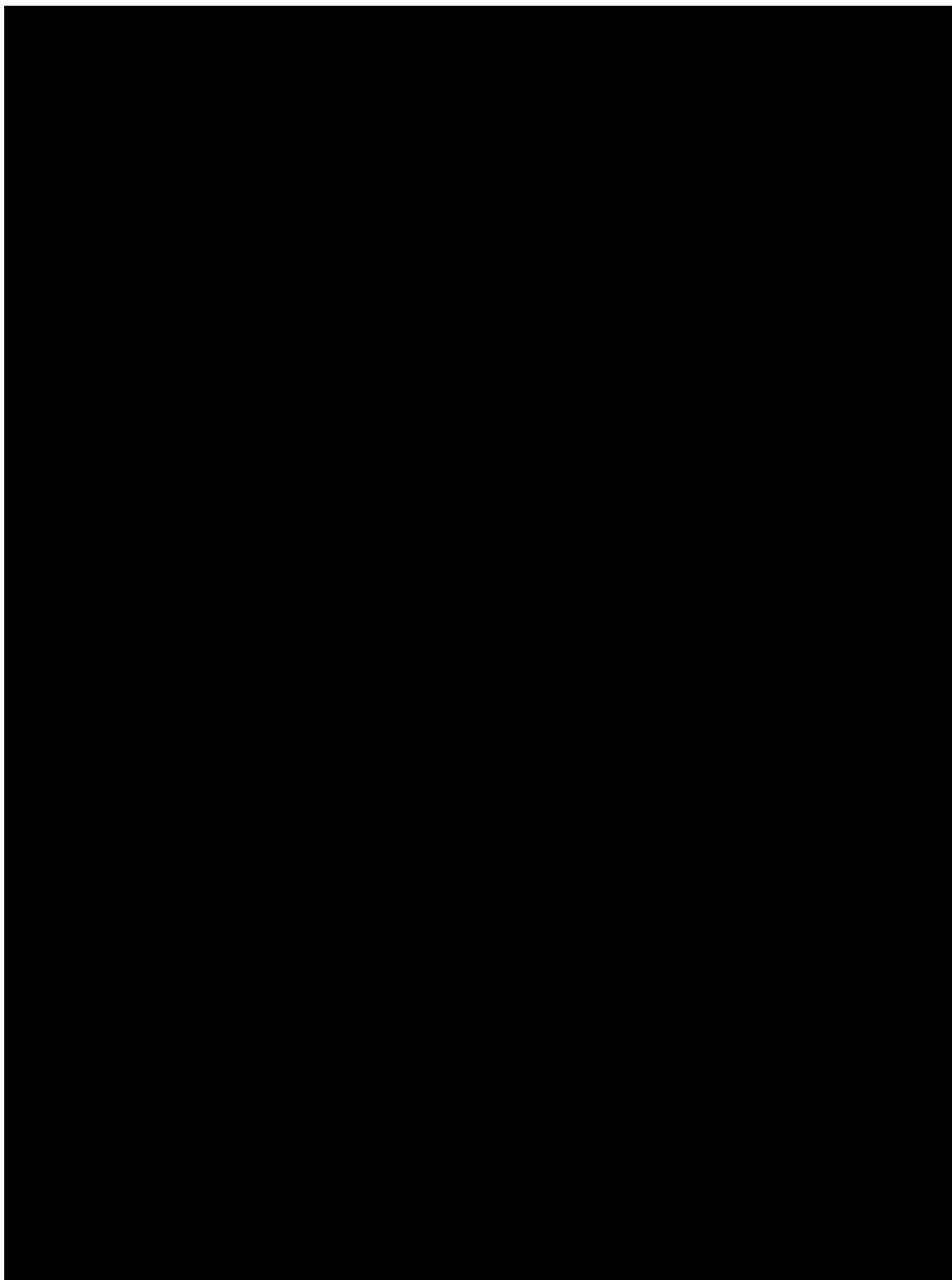


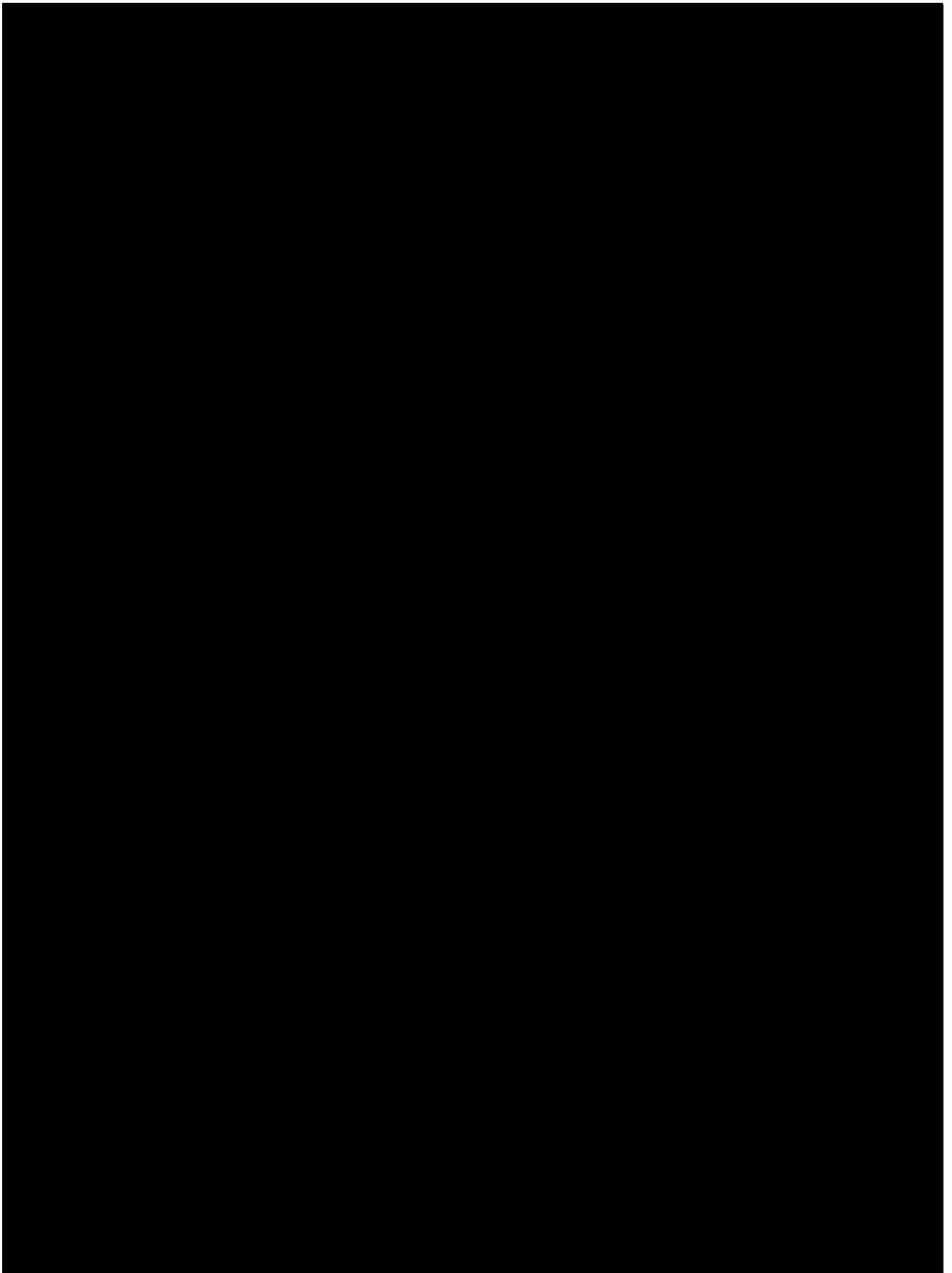


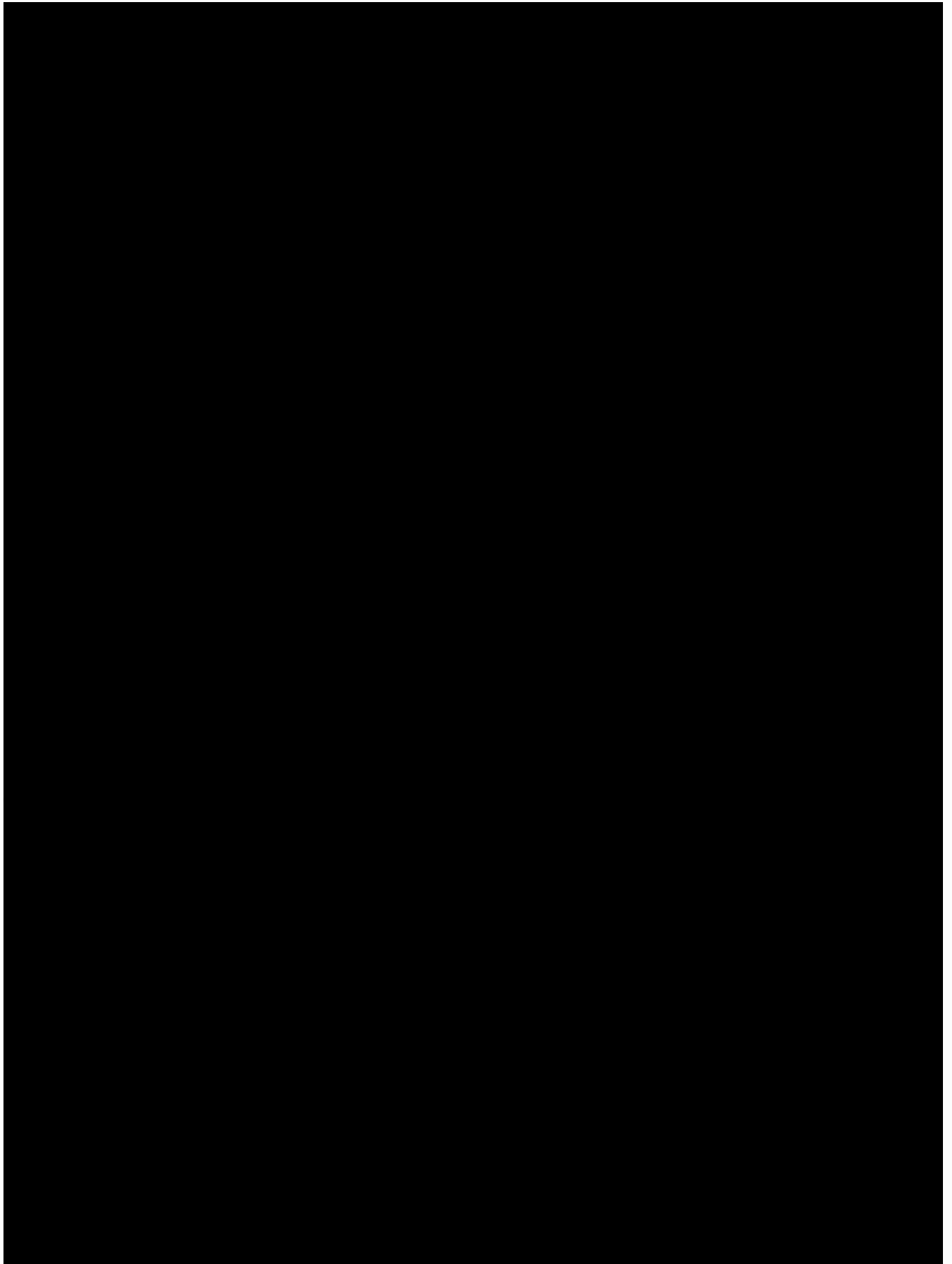


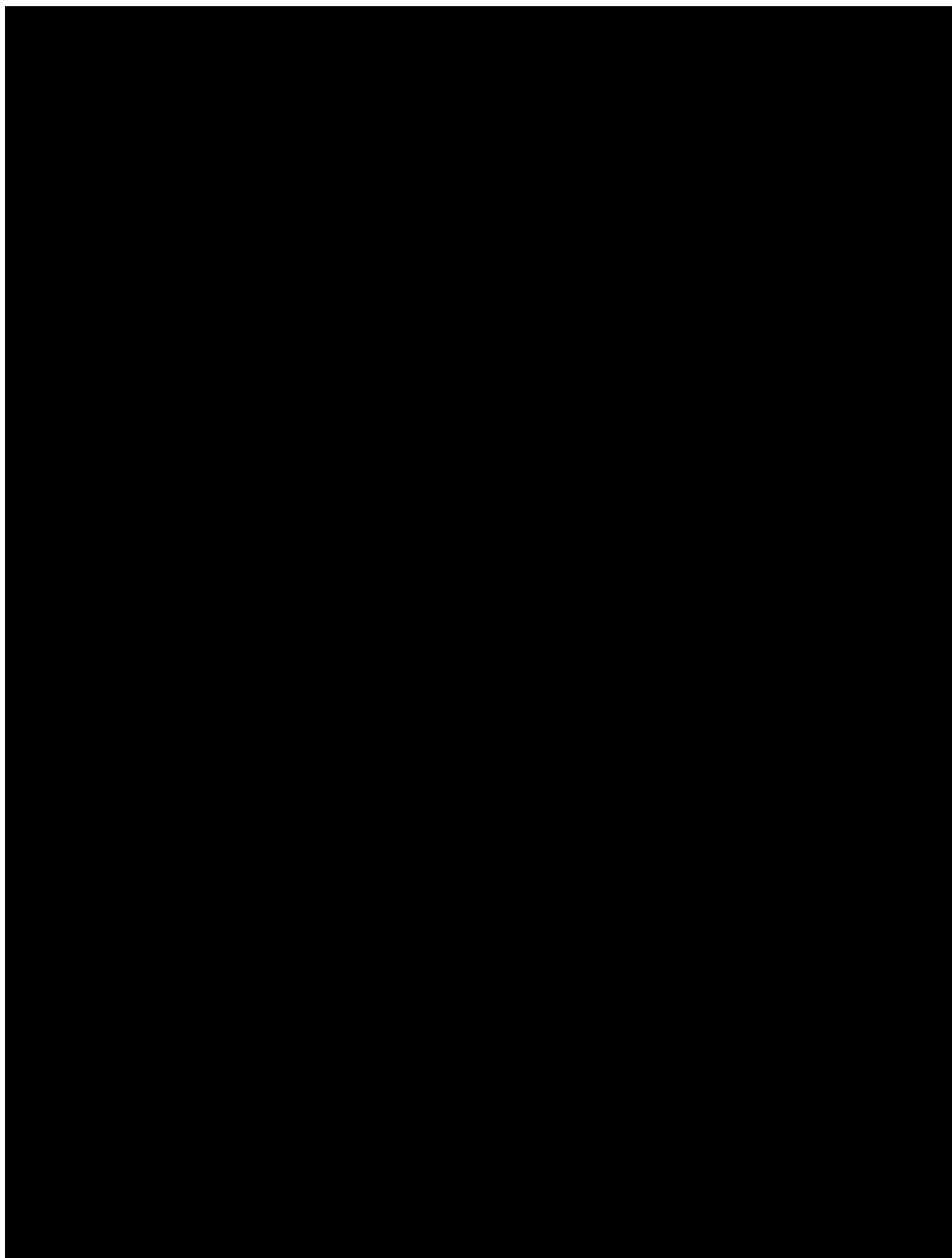


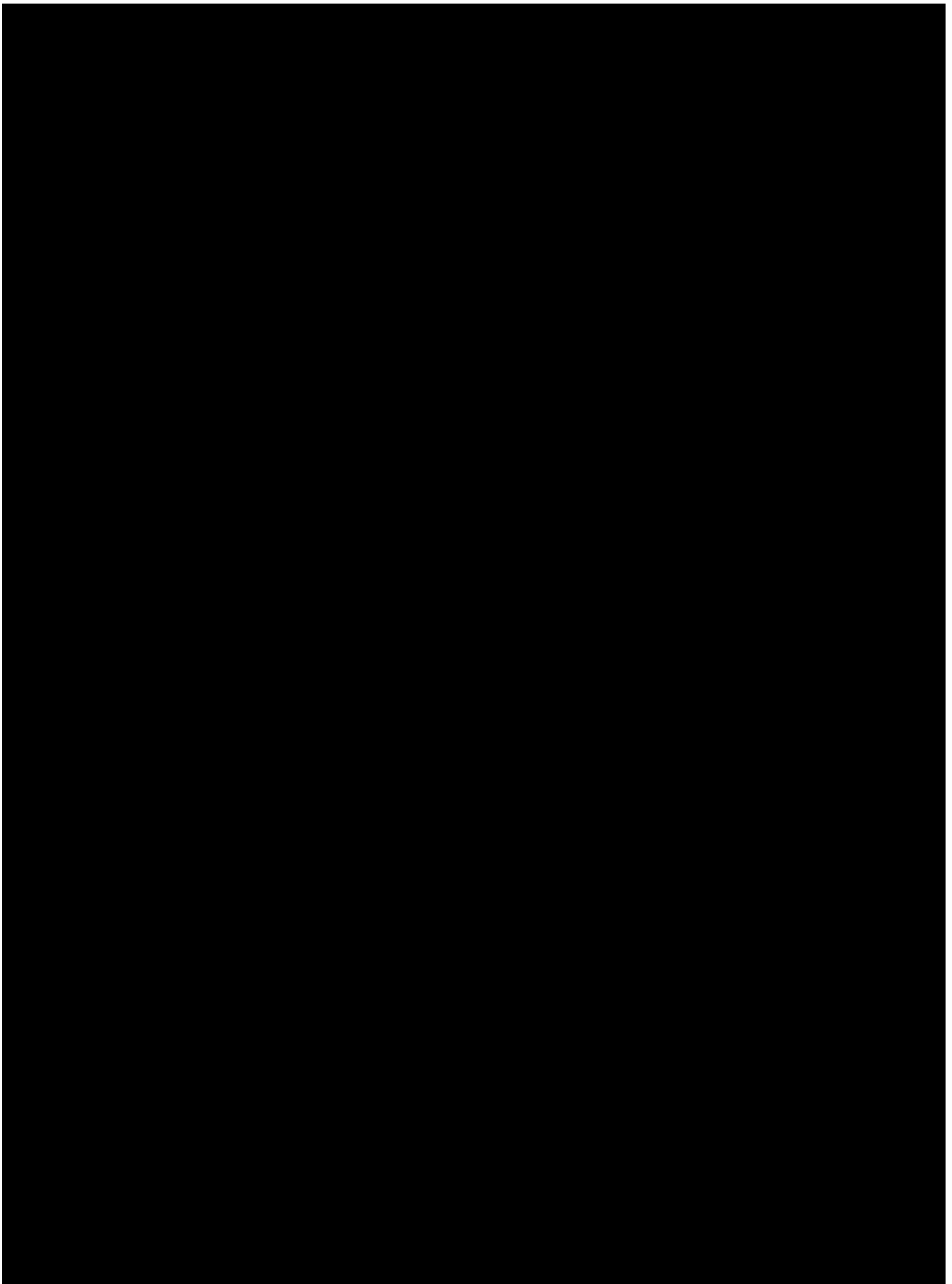


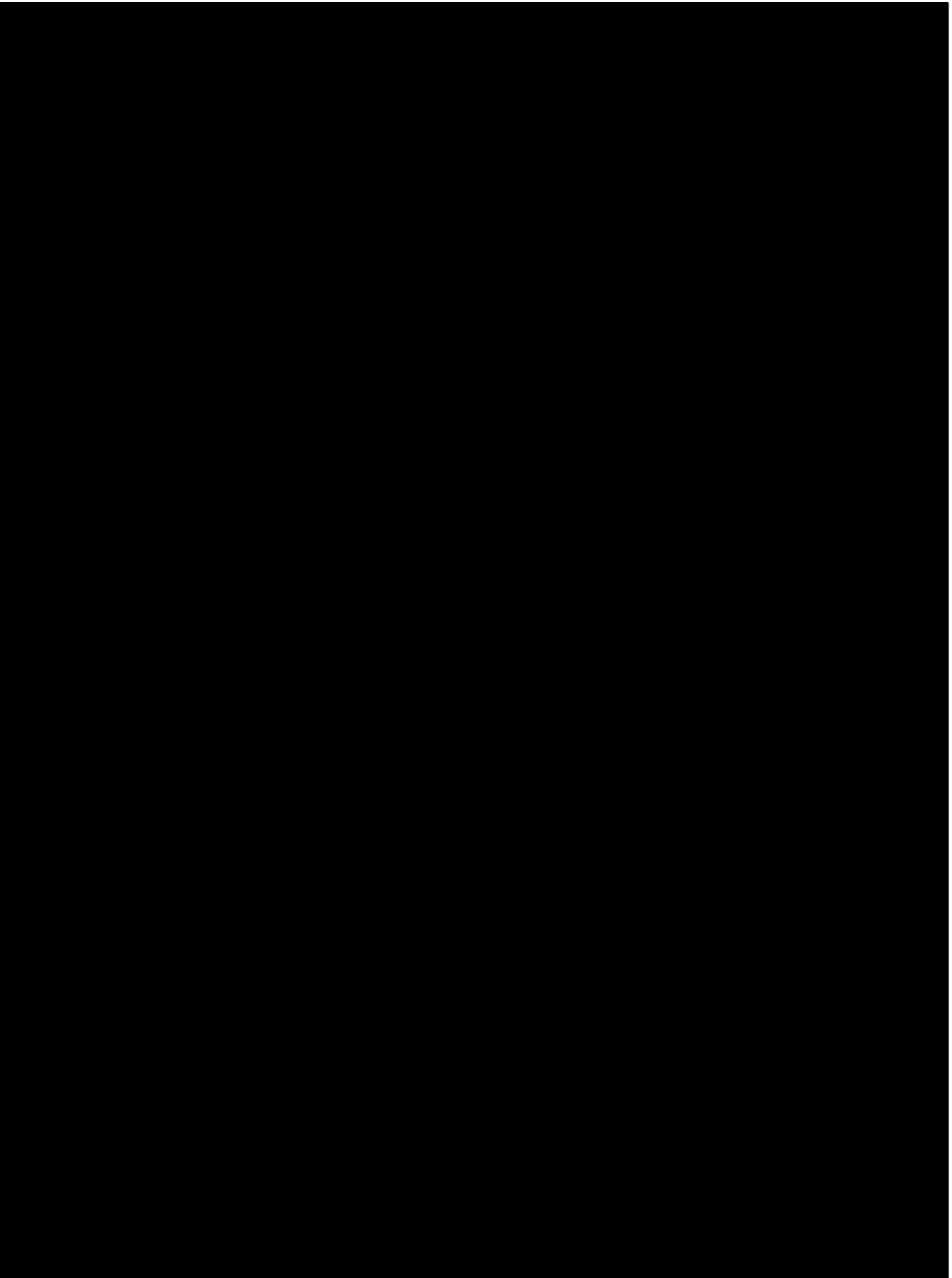


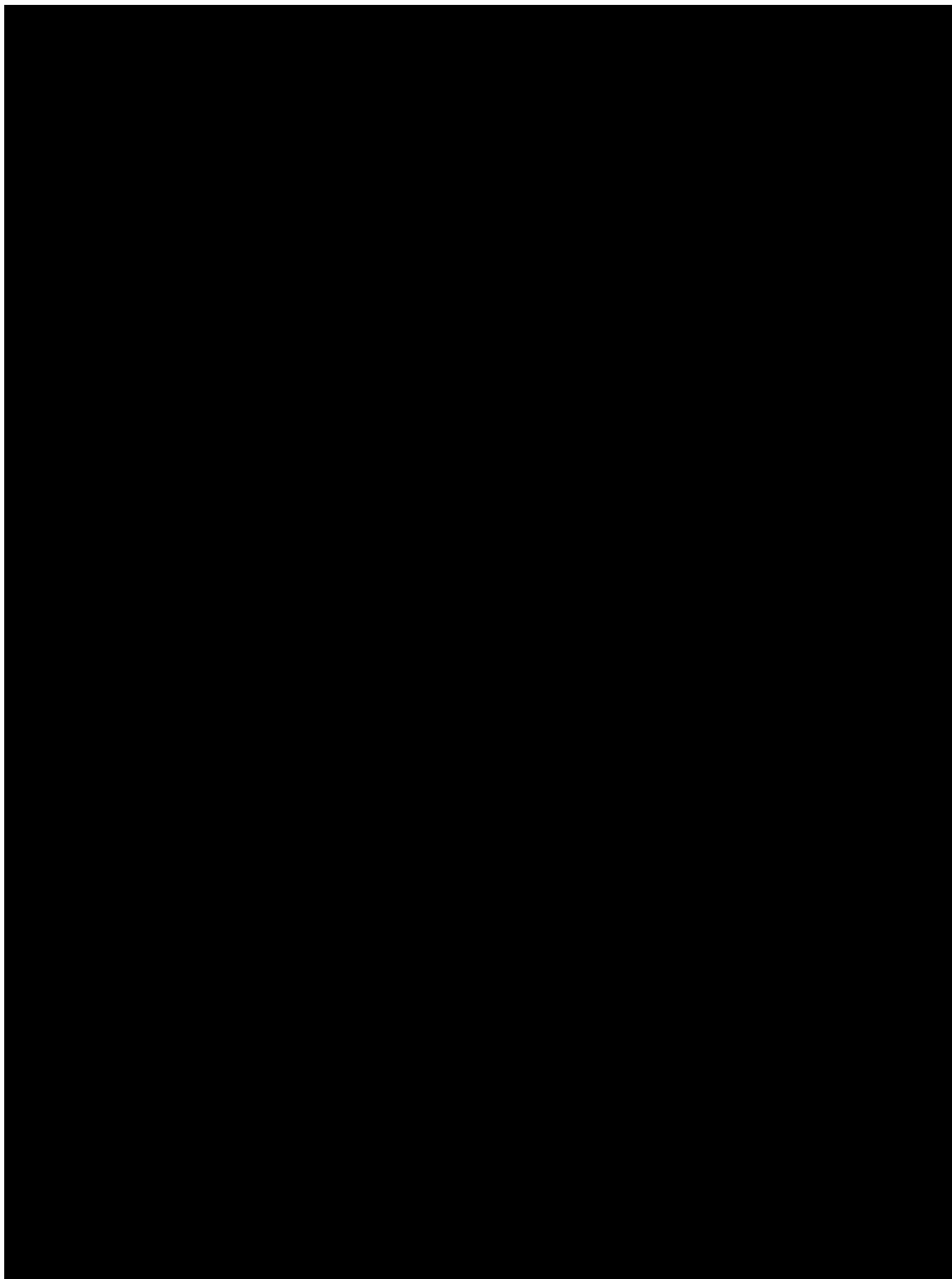


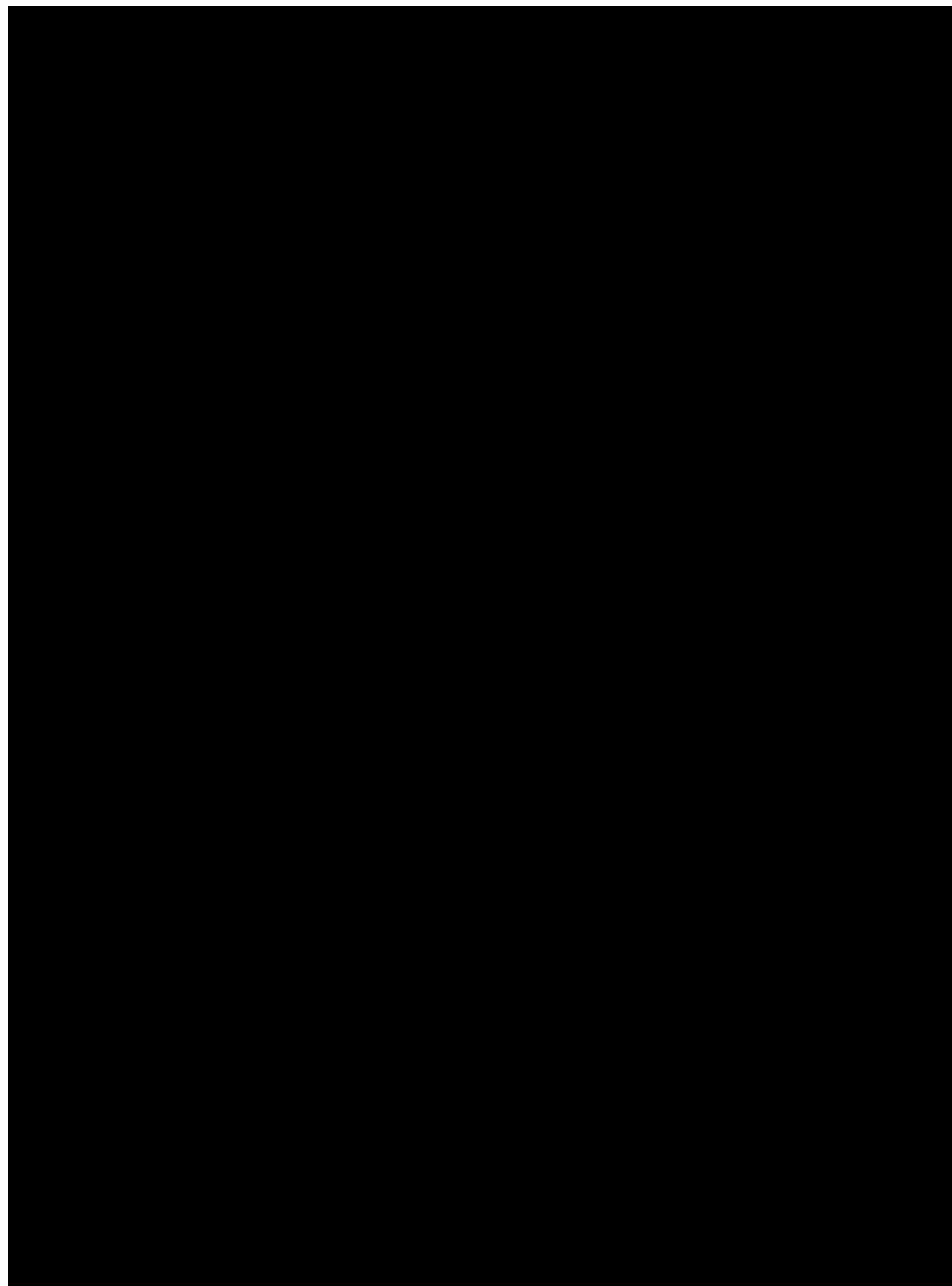


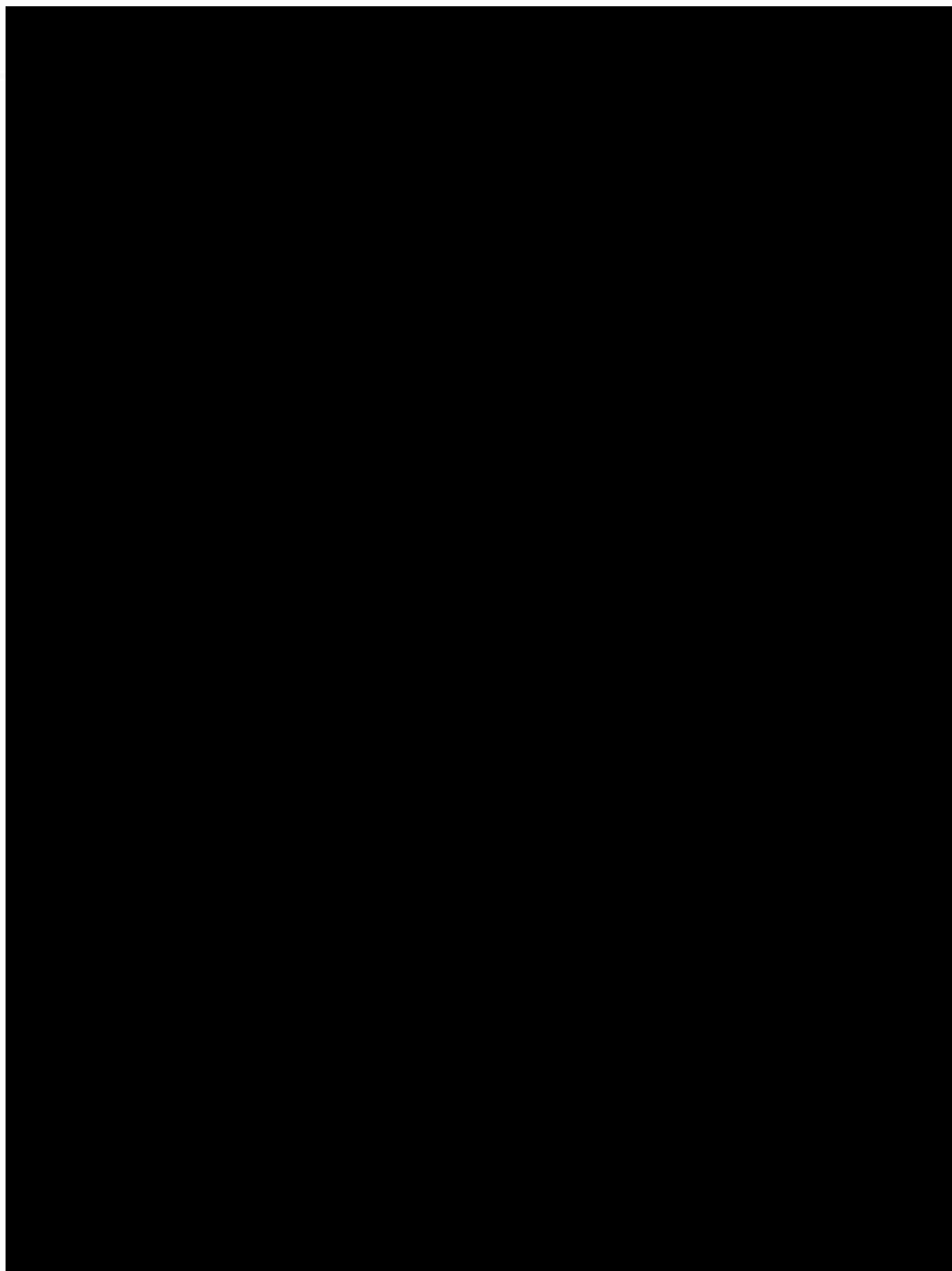


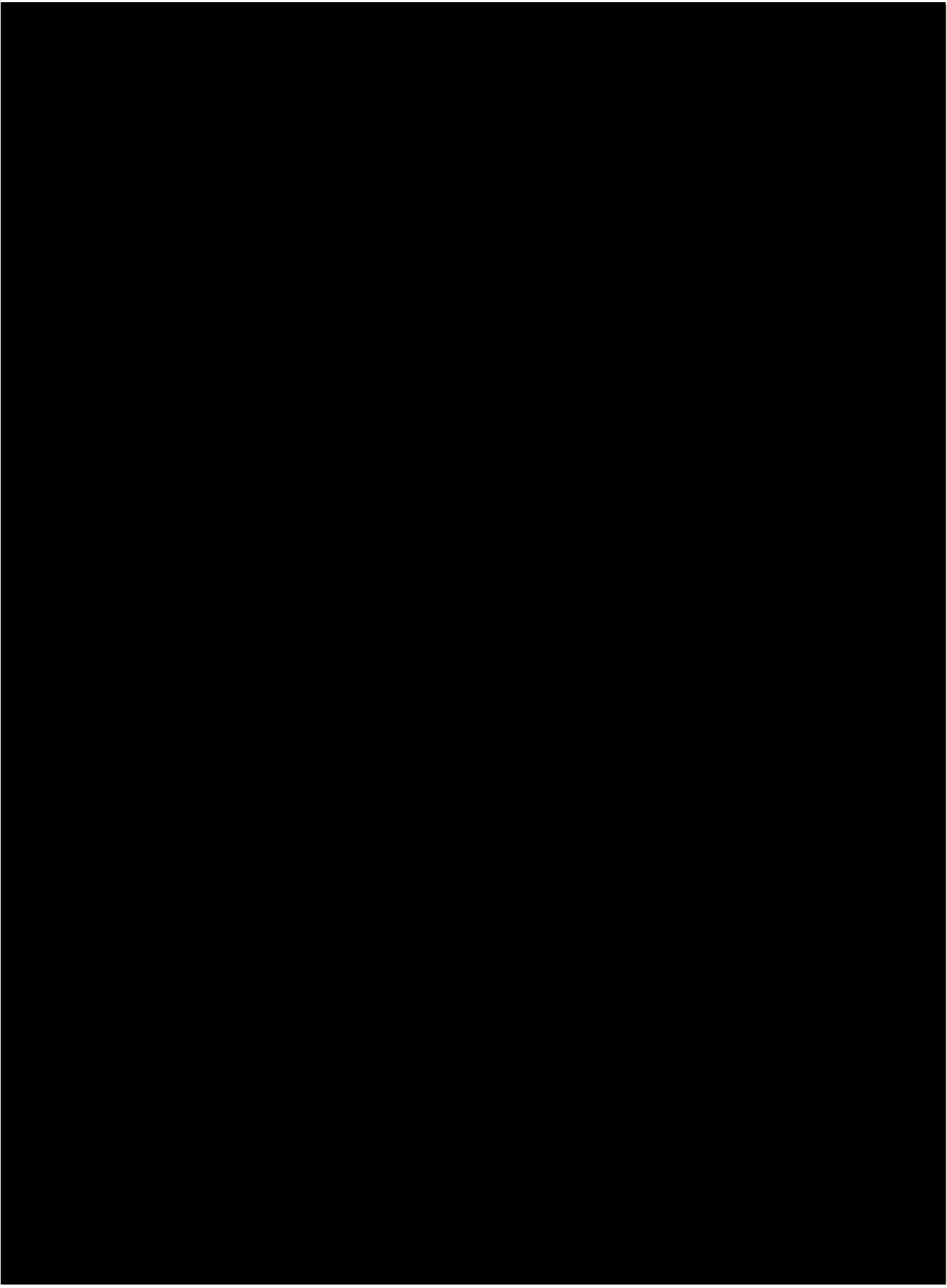








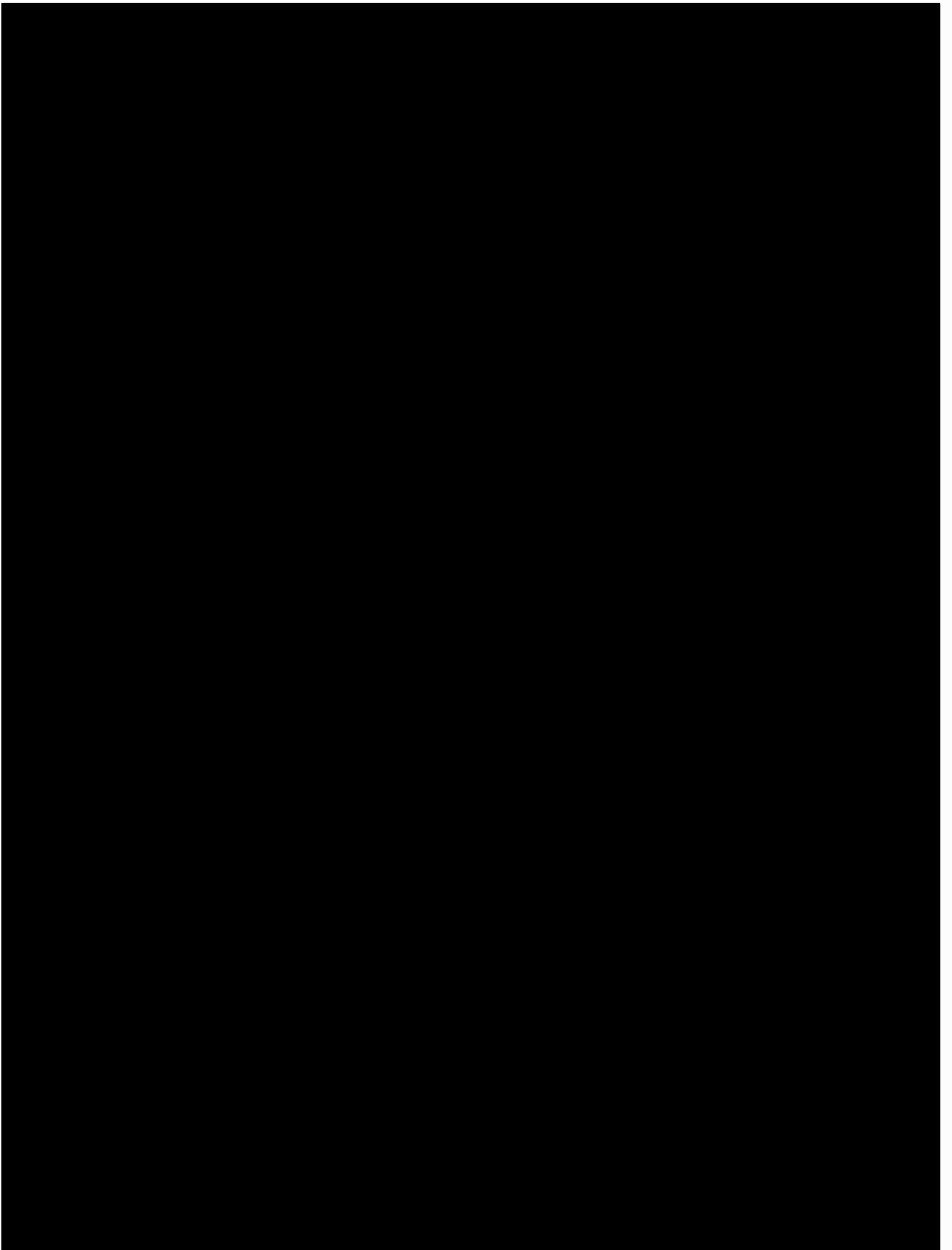


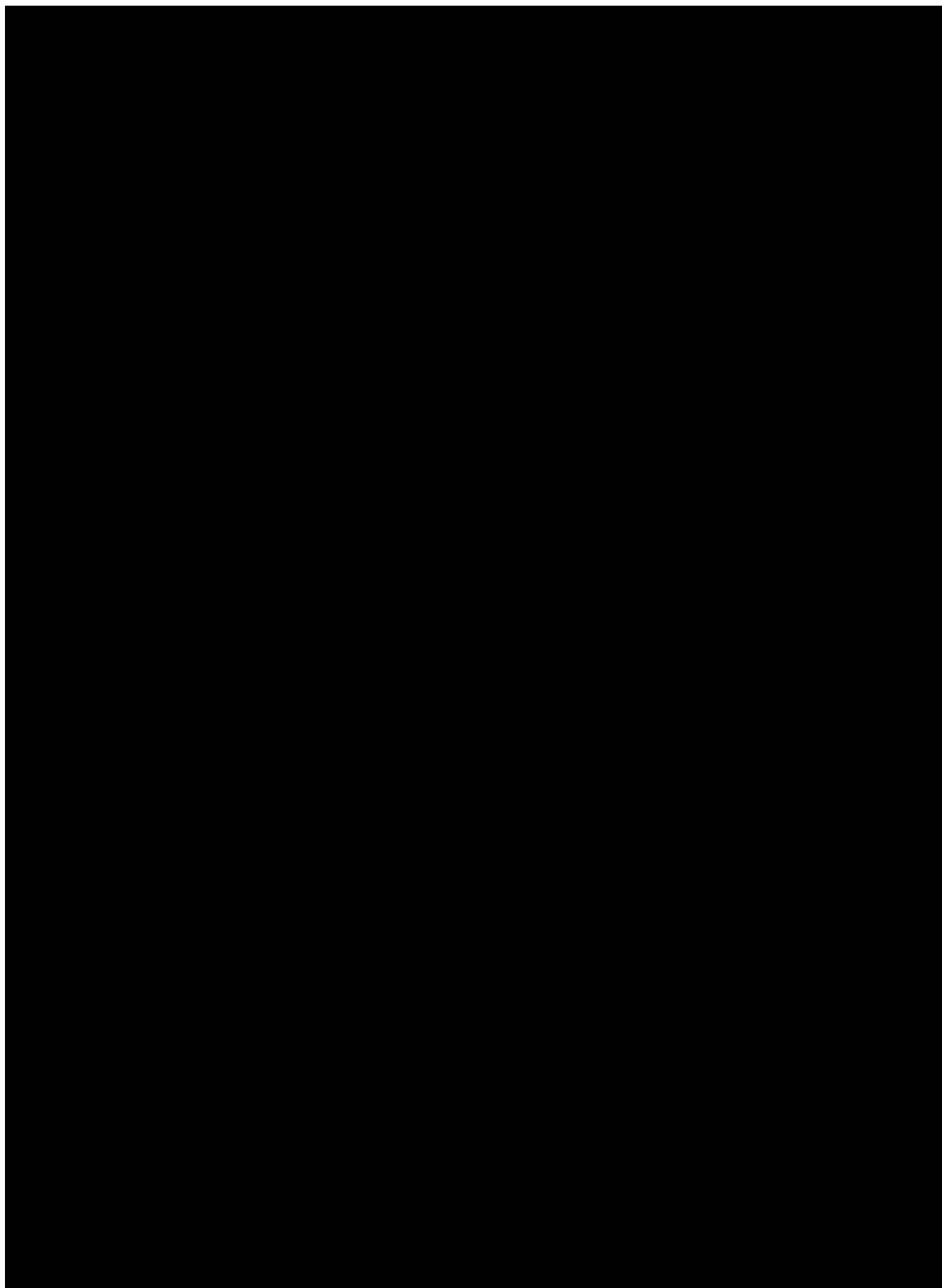


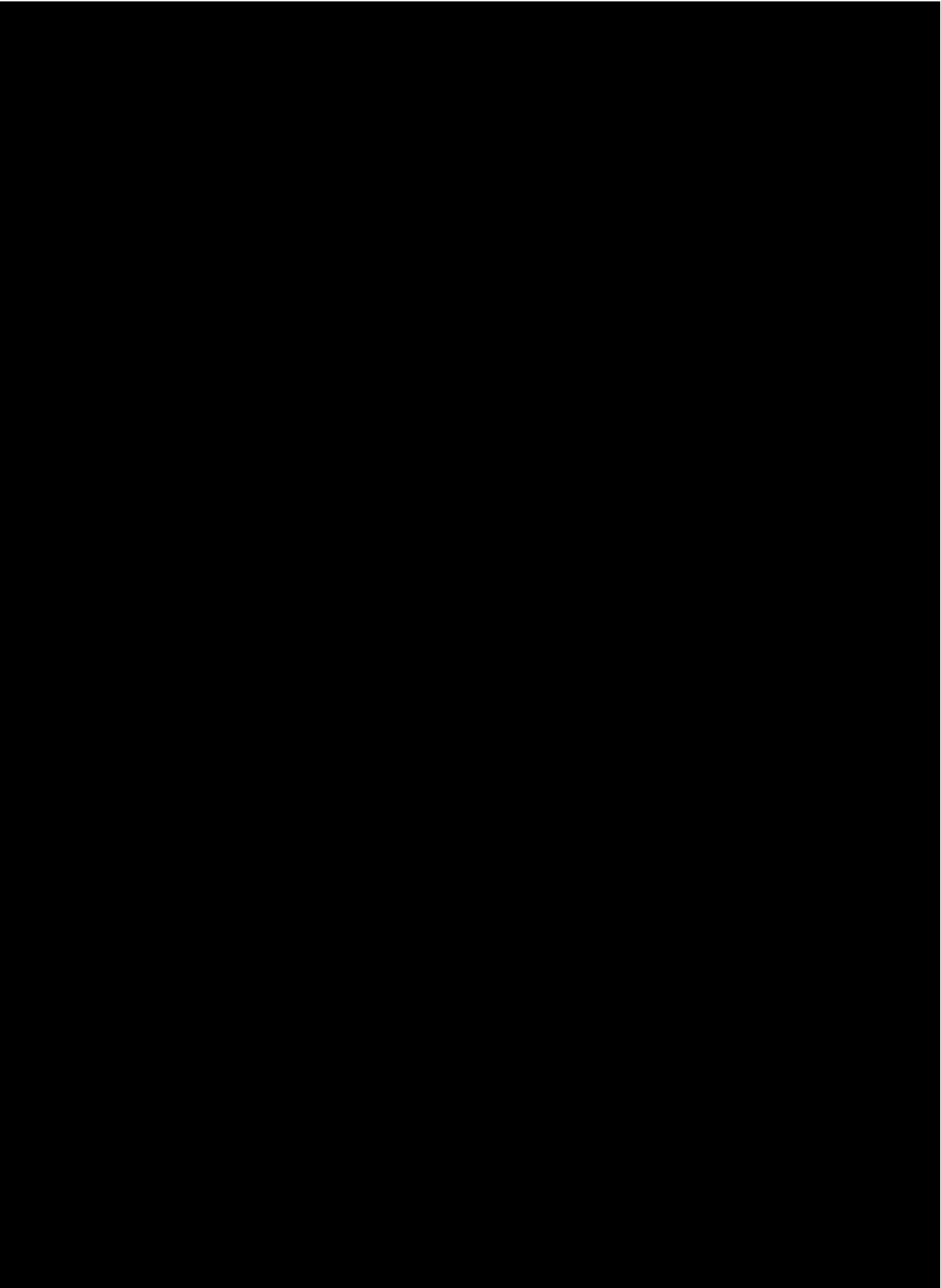
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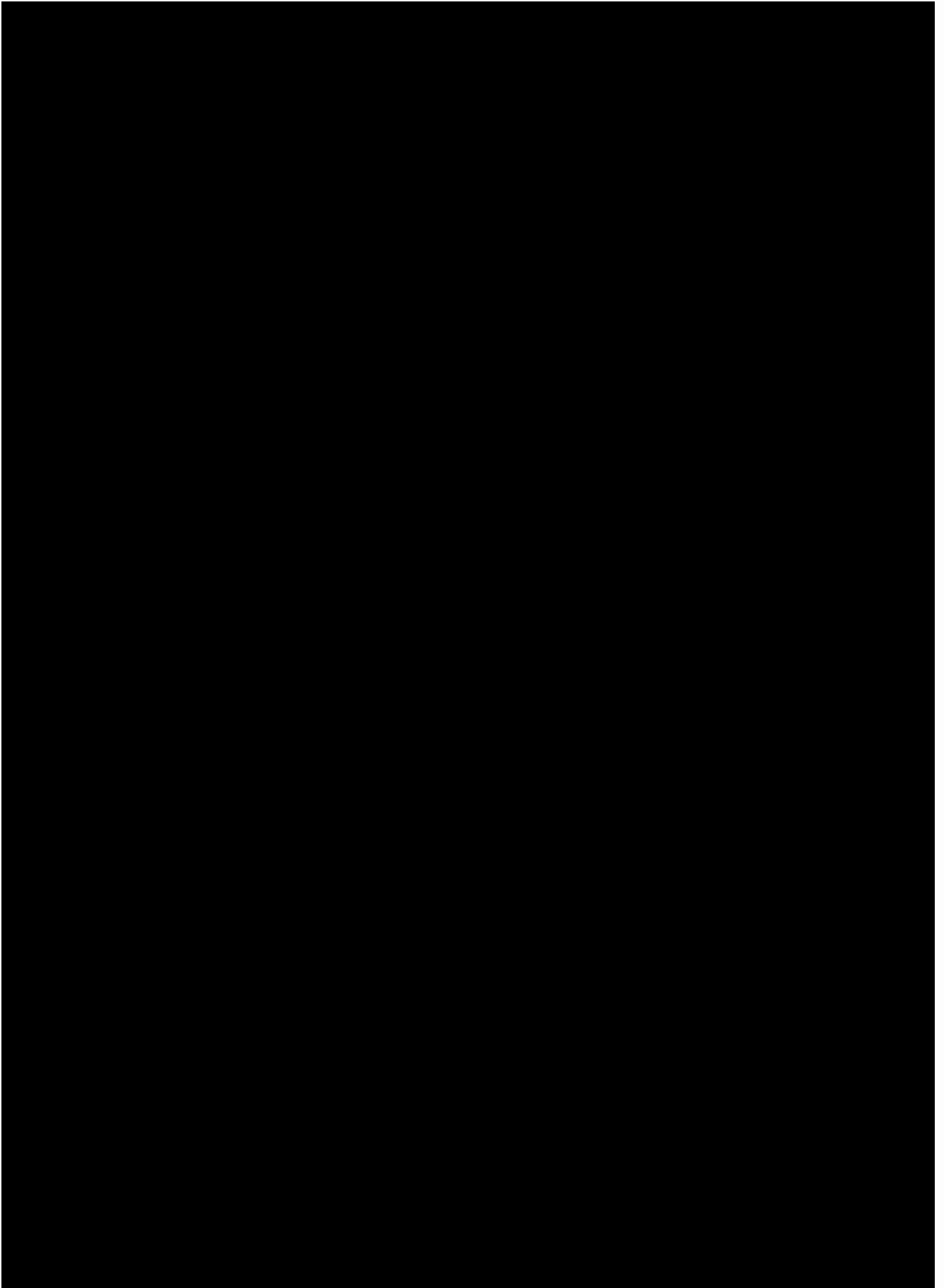
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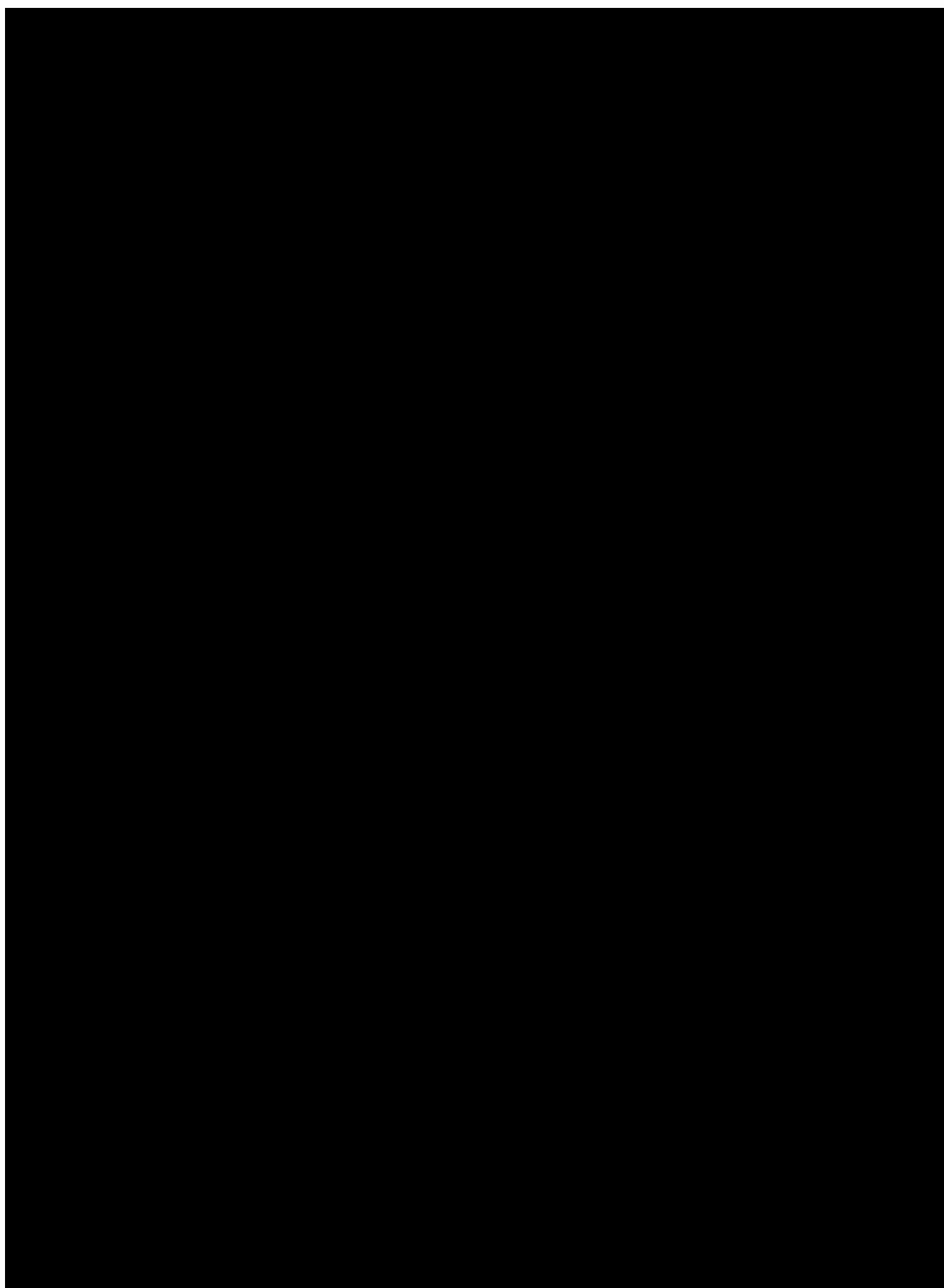
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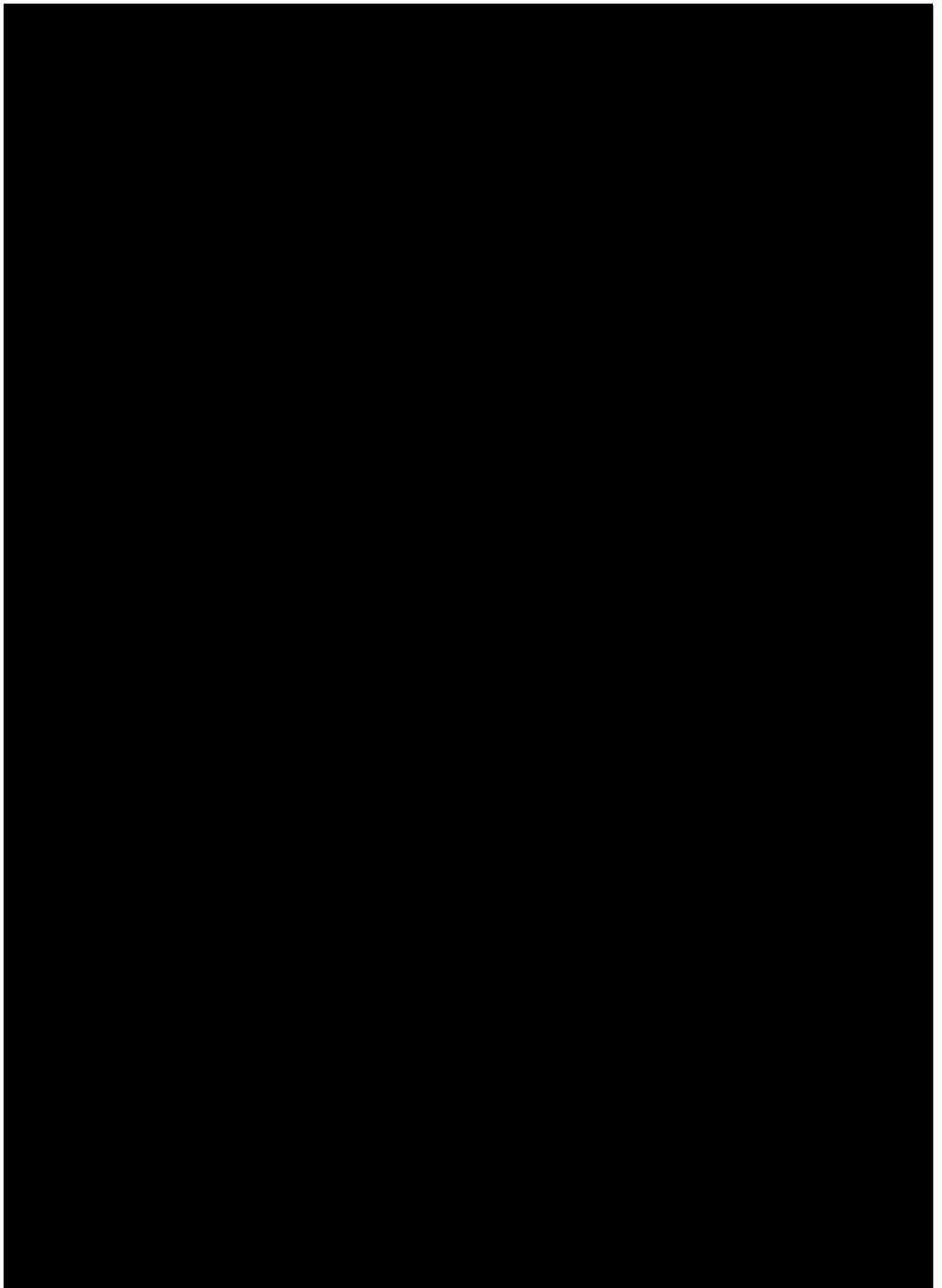


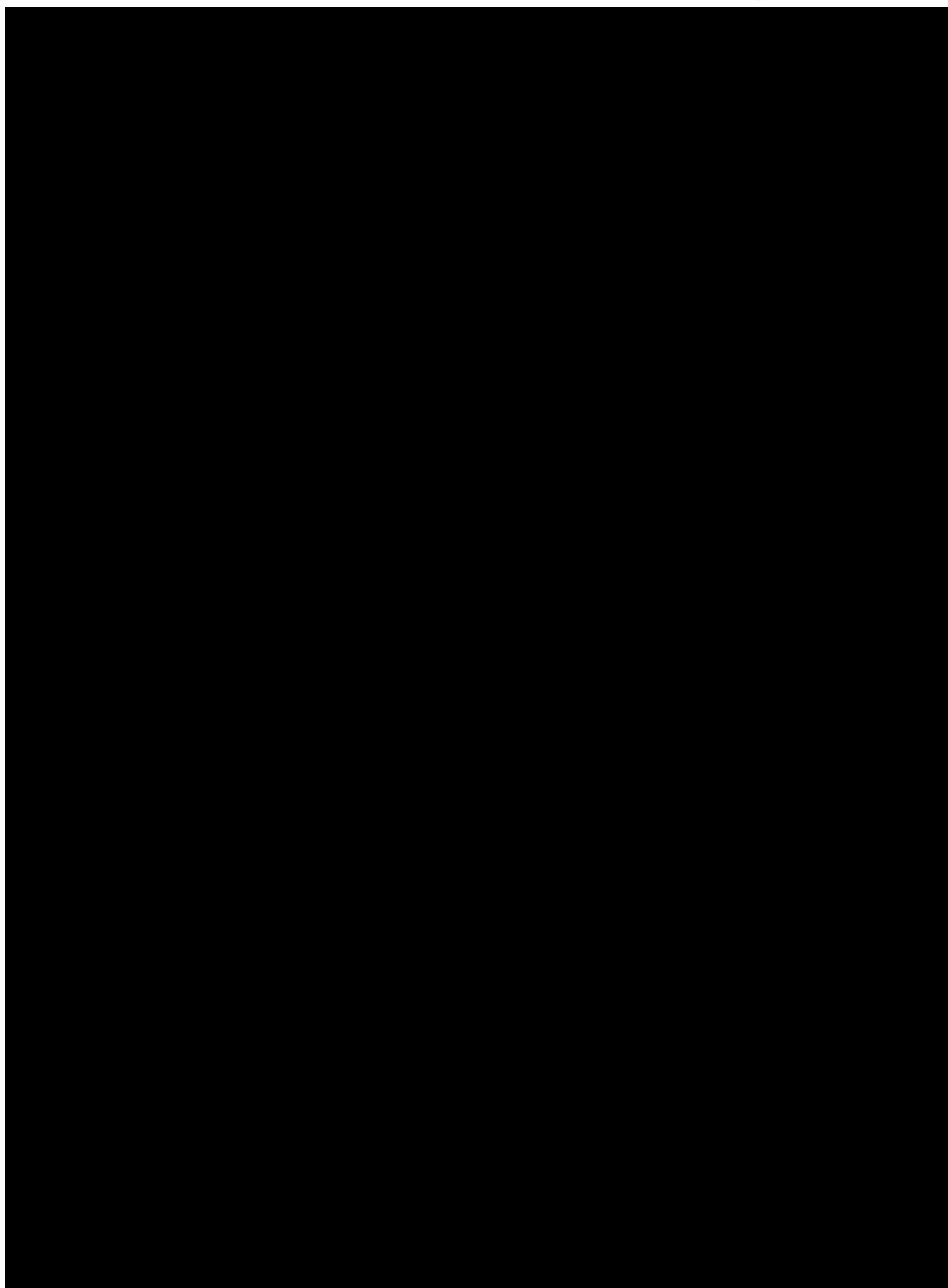


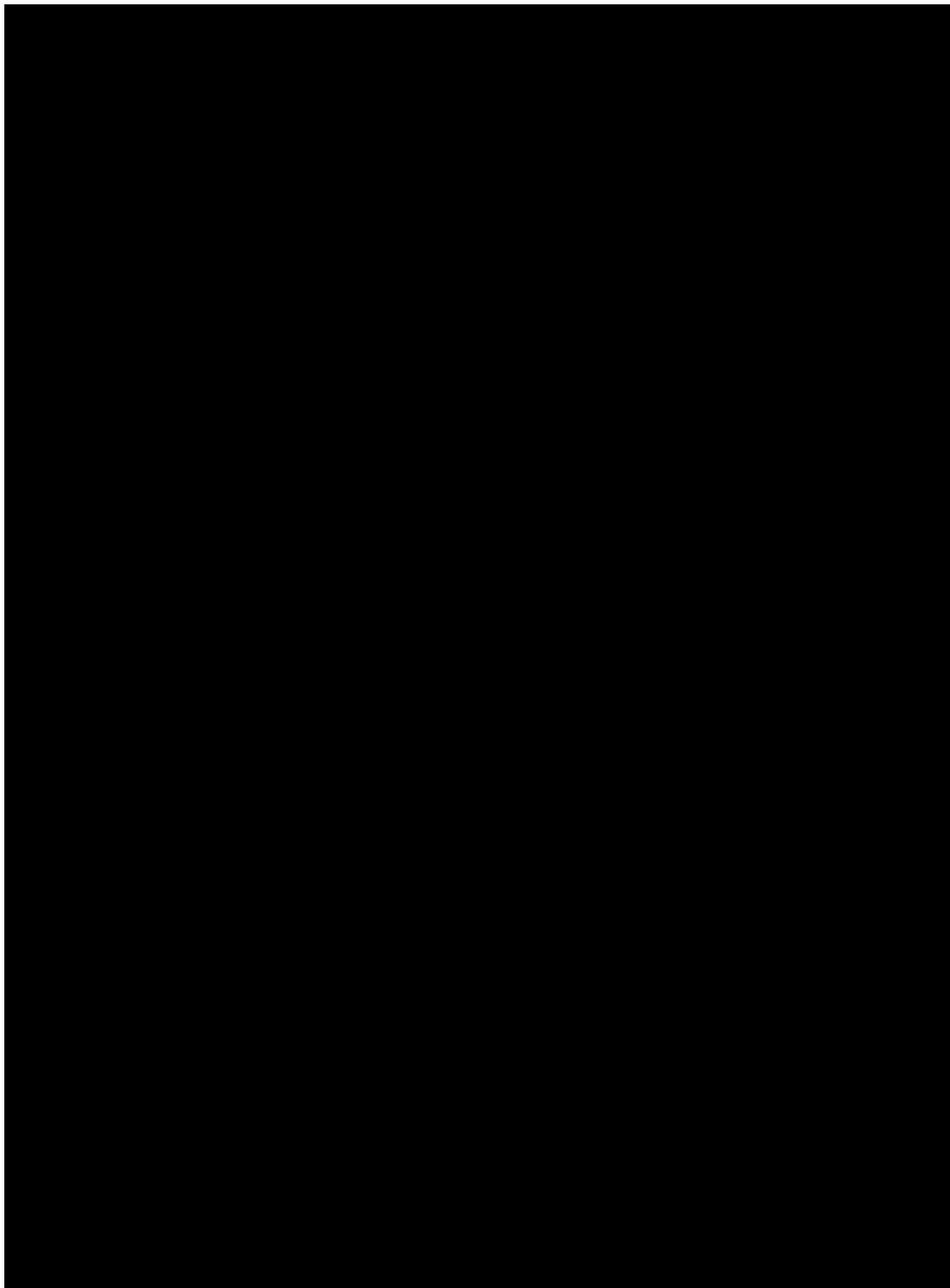


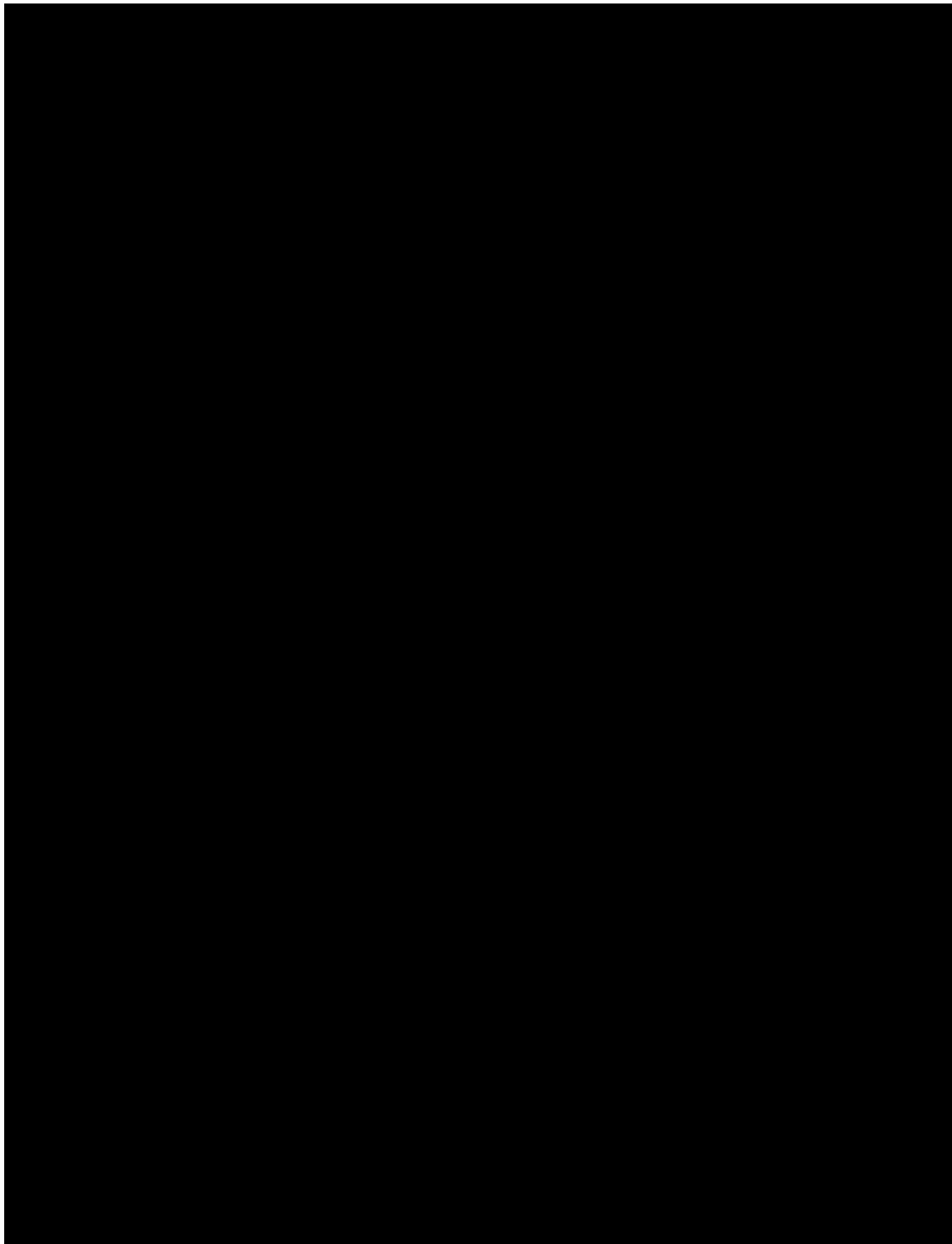


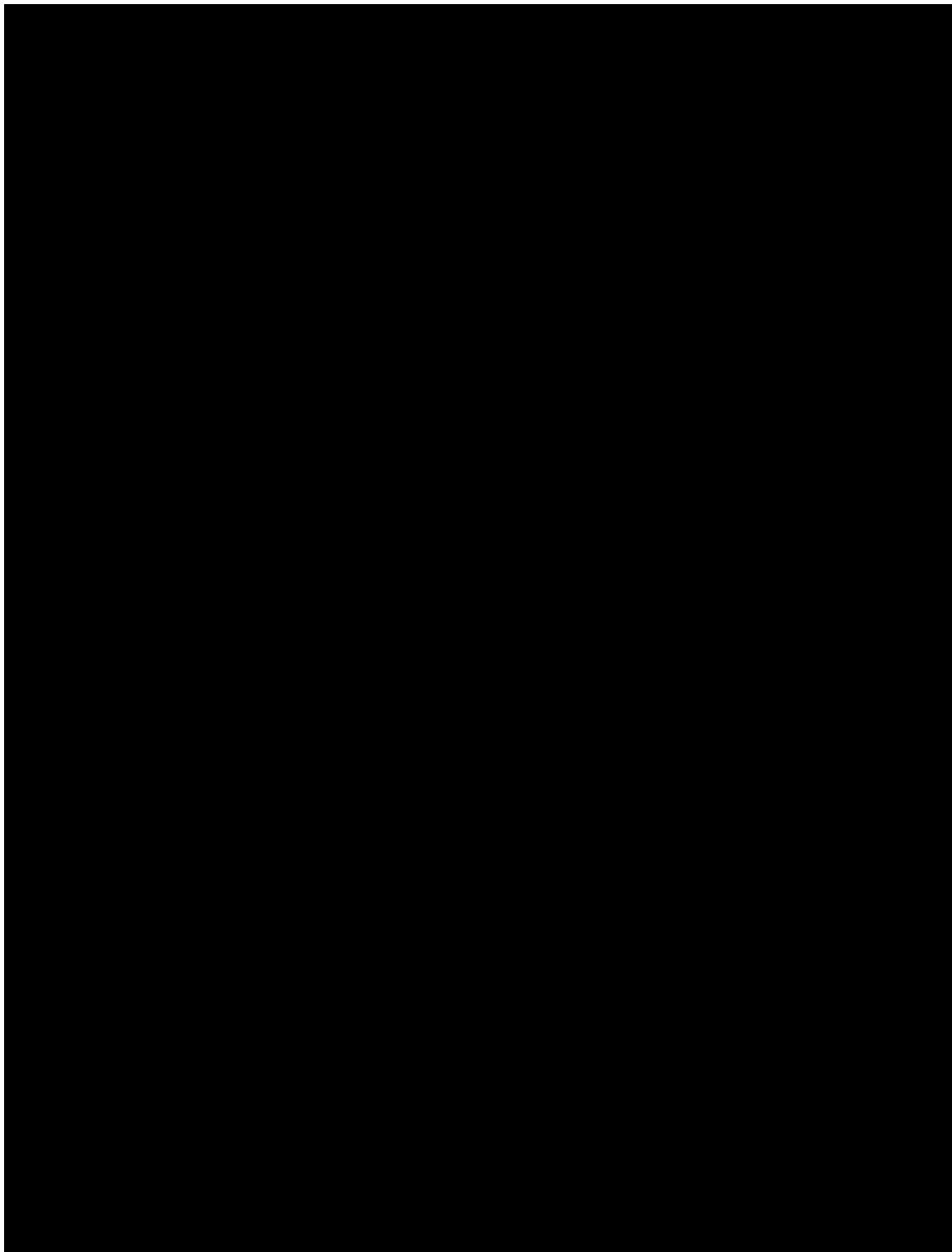


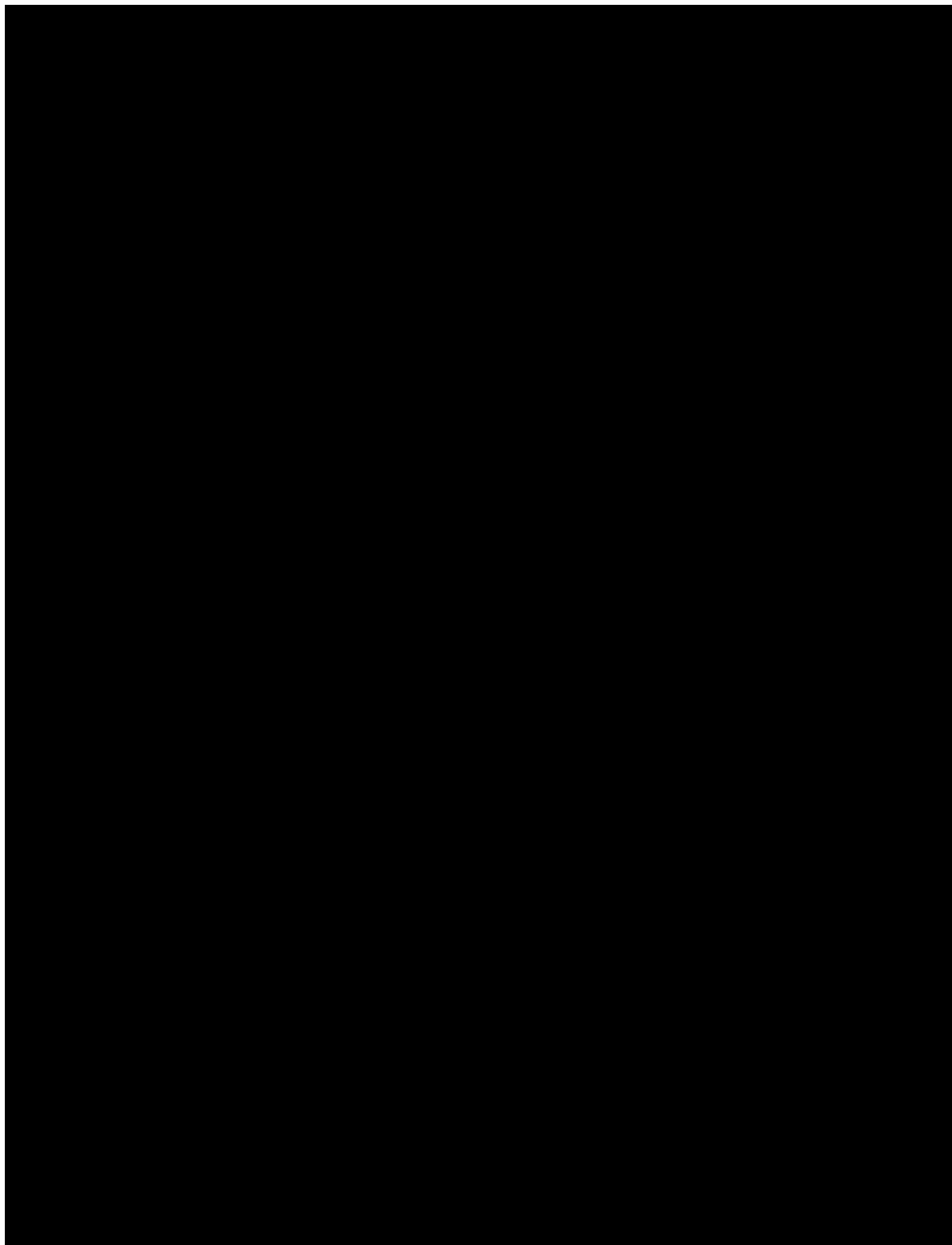


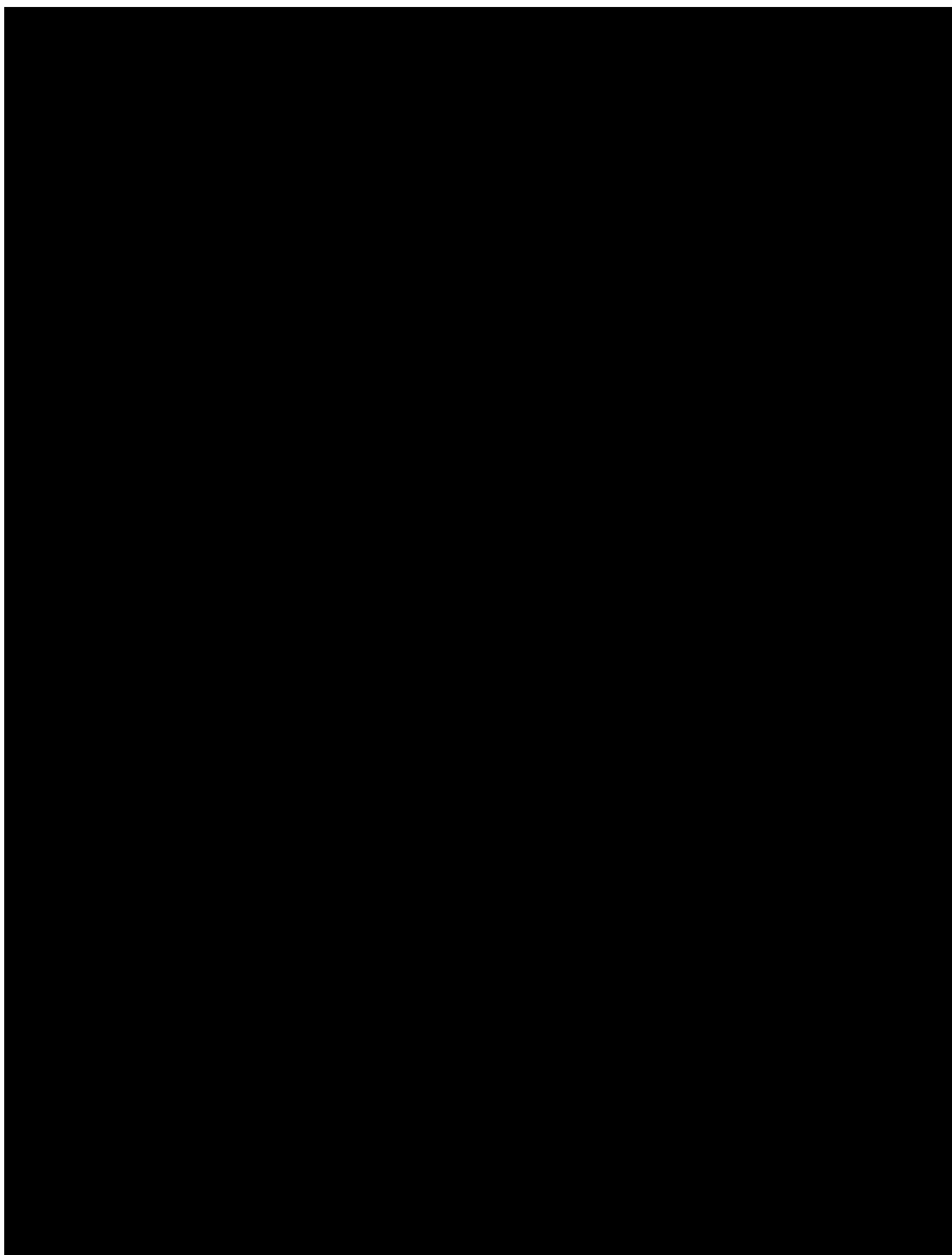








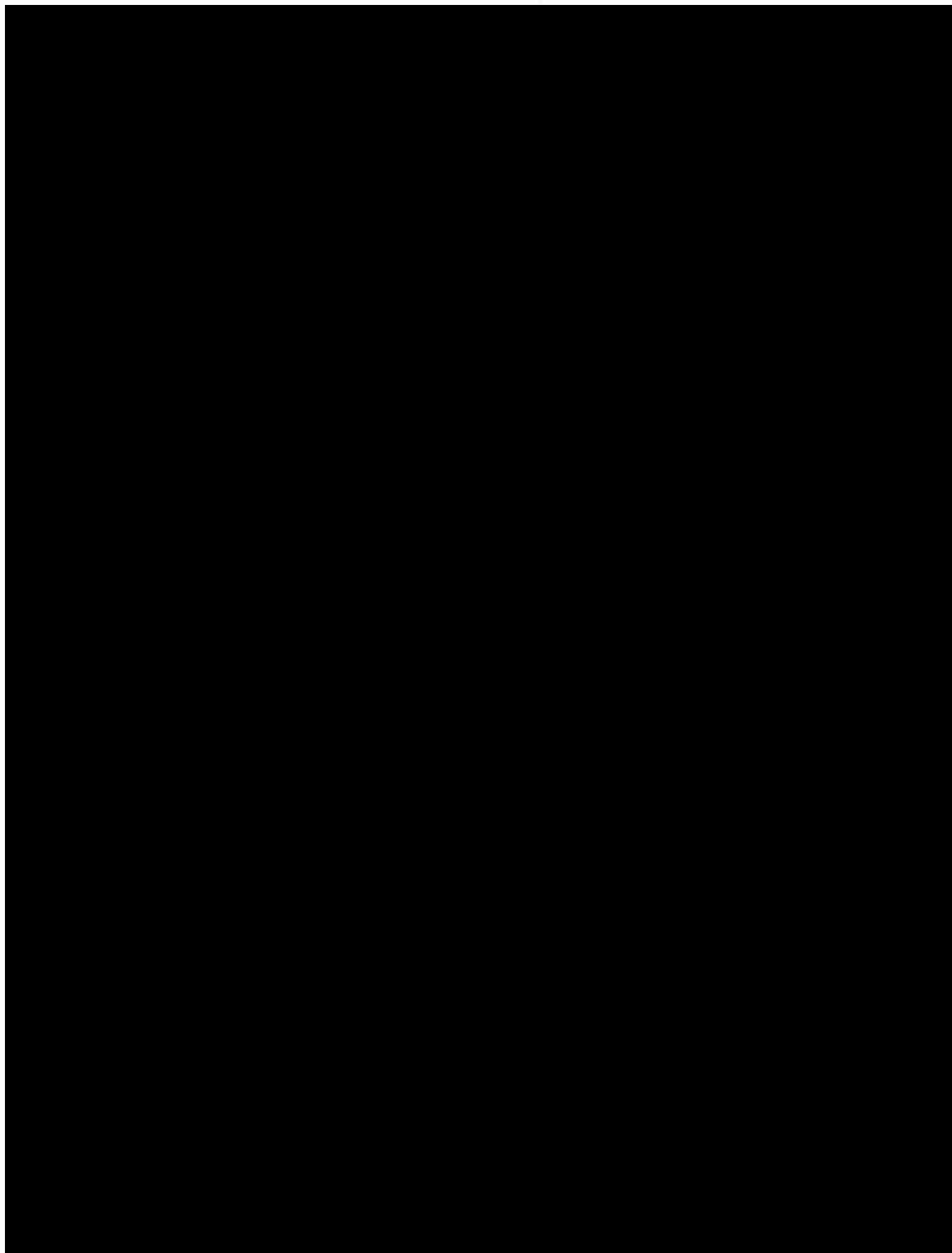




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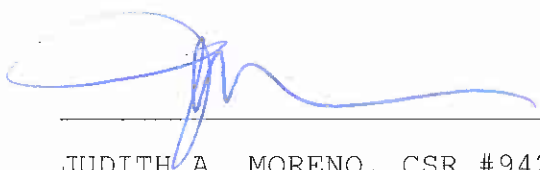
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I, JUDITH A. MORENO, CSR, CERTIFICATE NO.
9422, AN OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE
STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF SAN DIEGO,
HEREBY CERTIFY THAT I REPORTED IN MACHINE SHORTHAND THE
PROCEEDINGS IN THE WITHIN CASE, AND THAT THE FOREGOING
TRANSCRIPT, CONSISTING OF PAGES NUMBERED FROM 1 TO 63,
INCLUSIVE, IS A FULL, TRUE AND CORRECT TRANSCRIPTION OF THE
PROCEEDINGS IN THIS CASE.

23rd DATED AT SAN DIEGO, CALIFORNIA, THIS
DAY OF July, 2013.


JUDITH A. MORENO, CSR #9422
OFFICIAL REPORTER

H

Sgt. Williams: All right. I am Sergeant Williams, and I am the officer in charge of this investigation for the Carlsbad Police Department. We are meeting in a room at the City of Carlsbad Human Resources Department. Officer Calderwood is present and will assist with this interrogation. Today's date is September 3rd, 2013, and the current time is 9:11 in the morning.

Present at this interview is Officer Taryn Sisco, accompanied by her Attorney, Mr. Gomez and graduate Law Clerk David Arambula. Pursuant to government code 33.03G, I am recording this interview. Officer Sisco, you have the right to record the interview as well.

Officer Sisco, are you taking any medication which would cause you to be unable to understand and respond truthfully and fully to the questions that will be asked of you?

Officer Sisco: No.

Sgt. Williams: Have you failed to take any prescription or other medication which would assist you to understand and respond truthfully and fully to the questions that will be asked of you?

Officer Sisco: No.

Sgt. Williams: Are you suffering from any physical or mental condition that will cause you to be unable to understand and respond truthfully and fully to the questions that will be asked of you?

Officer Sisco: No.

Sgt. Williams: The nature of this investigation is on February 20th, 2013, it is alleged that you possibly authored a false, misleading or inaccurate police report. It is also alleged that you possibly provided false information while testifying in a court hearing under oath subject to penalty of perjury. The nature of this investigation is such that the department deems that you may be charged with a criminal offense, therefore, I will now advise you of your constitutional rights in a Miranda.

You have the right to remain silent. Anything you say may be used against you in court. You have the right to speak with an attorney of your choice before questioning, and to have an attorney present during questioning. You have the right to a free court-appointed attorney if you cannot afford to pay for one. Do you understand each of these rights?

Officer Sisco: Yes.

Off. Sisco interview transcript (9-3-13)

Sgt. Williams: Are you willing to speak with me?

Officer Sisco: No.

Sgt. Williams: Okay, are you willing to speak with me?

Officer Sisco: No.

Sgt. Williams: Although you have refused to waive your constitutional rights, be advised that I will now proceed with the administrative aspect of this interrogation. On behalf of the Chief of Police, I now order you to fully and truthfully answer all questions asked of you during this interrogation. Your failure to do so will in and of itself constitute a disciplinable act of insubordination that will result in a recommendation of disciplinary action against you up to and including dismissal. Officer Sisco, do you understand what I just read you?

Officer Sisco: Yes.

Sgt. Williams: Do you have any questions regarding what I read?

Officer Sisco: No.

Sgt. Williams: The nature of this interrogation focuses on administrative matters likely to result in punitive action and, at your request, you have the right to be represented during the interrogation by a representative of your choice, who may be present at all times during the interrogation. The representative shall not be a person subject to this investigation, and shall not be required to disclose nor be subject to any punitive action for refusing to disclose any information received from you to the extent it does not involve criminal matters. The department will neither provide nor compensate any such representative. I see you have a representative present today.

Prior to proceeding with this interrogation, do you have any questions regarding the admonitions that I have read to you?

Officer Sisco: No.

Sgt. Williams: This interrogation admonition was read to me on September 3rd, 2013 at 0911 hours, I need you to sign that right there. It's just signing that the admonition was read to you.

Before we went on tape, I allowed you the opportunity to review the full copy of your report for Case # 13-01100, which was a shoplifting investigation that occurred on February 20th, 2013 at Sears at the Plaza Camino Real Mall. After reading that case, do you remember that incident?

Officer Sisco: Yes.

Sgt. Williams: Okay. Can you explain to me what investigative steps you did during that investigation?

Officer Sisco: Can you clarify what you're asking, please?

Sgt. Williams: Yes. Tell me ... You said you remember the incident, so tell me what you did as a result of this incident. What caused you to go there, and what investigative steps did you take during this case?

Officer Sisco: I received a radio call. I met with Officer Burns prior to entering Sears. We walked into Sears. The two females were separated, both sitting with each Loss Prevention Officer. One of the Loss Prevention Officers gave me a summary of what happened. I then read Miranda rights to one of the females. She waived her Miranda rights, and I asked her some questions, she answered them, I went and then did the other ... Went and did the same thing with the other one. Read her her Miranda rights, she answered her questions, let them call their parents.

Then did a search of them, walked them out to the police car, took them back to the station, called Juvenile Hall to see if Juvenile Hall would accept both of them. Juvenile Hall said that they would. I wrote up the report, did all the paperwork that was necessary before going down to Juvenile Hall, had them call their parents again and let them know that they were going to go to Juvenile Hall, and then took them to Juvenile Hall.

Sgt. Williams: Do you remember what they were accused of stealing?

Officer Sisco: Denim vest and boots, and shirts.

Sgt. Williams: Both of the suspects were juveniles, right? Juvenile females?

Officer Sisco: Yes.

Sgt. Williams: Okay. Do you remember their names off the top of your head?

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Off. Sisco interview transcript (9-3-13)

Officer Sisco: Yes.

Sgt. Williams: And I don't want to put words in your mouth, I'm just trying to make sure I understand what you said.

Officer Sisco: That's correct.

Sgt. Williams: Okay. Then after you interviewed, did you interview each, one of them at a time?

Officer Sisco: Yes.

Sgt. Williams: Okay, but you're not sure which one first. When you were interviewing them, how did you capture what they were saying to you?

Officer Sisco: I wrote it down.

Sgt. Williams: Where would you have written it down at?

Officer Sisco: In my PD145 notebook.

Sgt. Williams: Okay. So as you're questioning them, you are writing in your notebook what they are saying to you, so that you can then incorporate that into a police report?

Officer Sisco: Yes.

Sgt. Williams: All right. Did you ever use any other system of recording people's statements to you as you were interviewing them, or in this case? Okay, in this case, do you specifically remember doing that?

Officer Sisco: Yes.

Sgt. Williams: Okay. So explain how you used those, how in this case you used those notes to then write your report.

Officer Sisco: I asked them a series of questions that I usually ask everybody, because I was the four beat, and I'd ask them, I'd just write down, scribble notes that I'm going to be able to understand when I go back and write my report, because we write ... Those reports don't have to be turned in usually that night, so I always write down their answers. That way I can go back and write my report whenever need be.

Sgt. Williams: Okay. So as you're interviewing each of these juveniles, you're just using your notebook to write down shorthand-type, so that you remember what they were saying, and then you use those notes to incorporate into the police report?

Officer Sisco: Yes. If I believe it's going to be a quote that needs to be used, I make sure I write it down word for word.

Sgt. Williams: Okay. And when you were interviewing these two juveniles that were arrested for shoplifting, what key pieces of information during your interview are you looking for? Or looking to determine? What's going to be important during that interview during a shoplift investigation?

Officer Sisco: What their, if they had intent, and when they had that intent. If they had it before they went to the mall or before they entered Sears, or if they had just made a last-minute decision while they were in there to take them real quick. And I asked them, "Did you have money on you, how did you get here?" All that, just to make the story of whether or not they knew what they were going to do, or if they didn't know what they were going to do.

Sgt. Williams: So just so I understand, what are the key pieces of information you're looking for while you're interviewing these two juveniles is when they formed the intent to steal?

Officer Sisco: And if they had intent. If they had the intent, and if they did, when they informed the intent.

Sgt. Williams: And why would that matter to you as an officer?

Officer Sisco: Because there's a difference in burglary and shoplifting.

Sgt. Williams: And explain to me that difference.

Officer Sisco: Burglary is the intent to steal prior to entering the store, and shoplifting, they didn't have that intent prior to entering.

Sgt. Williams: Okay. Burglary is when they enter the store with the intent to steal.

Officer Sisco: Yes.

Sgt. Williams: So you were trying, through this interview, to determine if they had the intent to steal items when they entered the store.

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Sgt. Williams: So if you keep your notebook in your pocket, why would it be left in your car?

Officer Sisco: Because the notebook didn't last me from February 20th until whatever the last day of patrol I was on.

Sgt. Williams: In April?

Officer Sisco: Yes. I had numerous. I went through a notebook probably once a week because I wrote so much in it.

Sgt. Williams: Okay. When you got done with using ... It's your belief that the notebook that you used on February 20th would not have been the notebook you were still using at the time that you went on admin leave, which was in April?

Officer Sisco: Yes, it wasn't.

Sgt. Williams: Okay. So when you completed using up the entire notebook, what did you then do with those notebooks?

Officer Sisco: It depends on where I was in my day. I had extra notebooks in my car. I would either, like I said, put it in my car real quick because I'm going on a call and I don't have any more room in a notebook, I would throw it in my backpack that I would take out there, I would throw it in my seat pocket thing that I used. It just depended on when it ... If it was the end of the day and it was full, I'd throw it in my locker. It just depended on when it was that I finished it.

Sgt. Williams: In your locker, do you have stored notebooks from the past?

Officer Sisco: I don't know. I believe I would. I'm pretty sure I do, I'm not sure if I do or not.

Sgt. Williams: Maybe?

Officer Sisco: Maybe, yes, I don't know.

Sgt. Williams: Okay. This notebook could either be in your locker ... The notebook you were using on February 20th of 2013 could either be in your locker, right? In your storage bin, in your gear bag? Is it still in your storage locker?

Officer Sisco: It could be in my gear bag.

Sgt. Williams: Would your gear bag be at this station still?

Officer Sisco: No.

Sgt. Williams: Where is that at?

Officer Sisco: That would be at my house.

Sgt. Williams: Okay. Have you had the opportunity to remove any notebooks from your locker since you went on admin leave? Have you removed any notebooks from your locker since you went on admin leave?

Officer Sisco: Not unless one was in my shirt pocket, which I don't believe there was. I think I took it out.

Sgt. Williams: Which wouldn't have been this one, because you weren't carrying this one.

Officer Sisco: Yes, so, well, you said, "any notebooks."

Sgt. Williams: Right.

Officer Sisco: Unless it was in my shirt pocket or in my pant pocket, I shouldn't have removed any from the locker.

Sgt. Williams: Okay. So after you interviewed them, you determined that there was sufficient probable cause for burglary?

Officer Sisco: Yes.

Sgt. Williams: For both of them?

Officer Sisco: Yes.

Sgt. Williams: So then you transported them to the station?

Officer Sisco: Yes.

Sgt. Williams: Okay. And then you said at the station, you wrote all the paperwork necessary to take them to Juvenile Hall after you called Juvenile Hall to determine if they would accept them?

Officer Sisco: Yes.

Sgt. Williams: What paperwork did you have to write before you went down to Juvenile Hall?

Officer Sisco: I don't remember. Right now I don't remember what all I had to write, synopsis, but I might have finished ... I believe I finished my report. I'm not sure if I finished my report prior to going down there or not.

Sgt. Williams: Okay. So you completed whatever paperwork was necessary, and then you drove them down to Juvenile Hall?

Officer Sisco: Yes.

Sgt. Williams: All right. Do you remember while you're driving down to Juvenile Hall, do you remember Sergeant Chase calling you on the phone to talk to you about this case?

Officer Sisco: No.

Sgt. Williams: Okay. Let me read do you what Sergeant Chase wrote regarding this to see if allows you to, or gives you the opportunity to remember more clearly, okay?

Officer Sisco: Okay.

Sgt. Williams: All right. This is Sergeant Chase that wrote this. She says, "I reviewed the crime and two arrest reports submitted by Officer Sisco. The call came in as a shoplift with two juveniles in custody at Sears. Officer Sisco arrested the two juveniles for burglary. After reading the report, it did not meet the elements of the crime of burglary."

"The original report that she turned in for the review stated that 'neither juvenile had money to pay for the items that they stole,' and that they admitted to stealing the items. I spoke with Officer Sisco on the telephone and informed her that her report was really thin, and lacked the elements of burglary." Sergeant Chase says that telephone call occurred while you were driving down to Juvenile Hall.

Officer Sisco: That did not, no.

Sgt. Williams: Okay. "I told Officer Sisco that she needed to show that the juveniles entered with specific intent to commit the crime. She asked if they brought booster bags with them, she said they did not. And that she, Sergeant Chase, informed you that just because they did not have

money with them did not mean that they planned to commit the burglary.

"In order for the crime to meet the elements of burglary, she needed to show by their actions or statements that they planned to commit the crime before they entered the building. I asked Officer Sisco if the juveniles admitted to planning the theft, Officer Sisco said she could not remember if they made those admissions, and that she would have to check her notes." Sergeant Chase then told you to check your notes, and if there was information in there, to add that to the report, and then resubmit it. Does any of that ring a bell?

Officer Sisco: Some of it, but that is not what happened.

Sgt. Williams: What happened?

Officer Sisco: First of all, my crime report and my report obviously are going to be with me in my vehicle because you have to have your crime reports and all that when you go down to Juvenile Hall. She would not have been reading any of that when I was driving down to Juvenile Hall, because they take a copy of your arrest report and your crime reports when you're down there. A conversation took place, whether it was prior to me going ... I believe it was prior to me going to Juvenile Hall. It could have been after. I don't remember if it was prior or after.

I wrote in my report, and it's in the Loss Prevention's report, I believe, that one of the girls stuck it in her purse. A "booster bag?" To me, what's a "booster bag?" I've never even heard that terminology before. Yes, I said, "They stuck it in their purse." She asked me to clarify. She did not feel that it was clear enough because I wrote something in my synopsis, and I did write it in, each of their statements, but it wasn't clear enough to her, because she said, "You have to dumb it down for the DA's." She said, "You need to make it really clear for the DA's." I said, "Okay."

And she said, "Can you write in here straight up that they intended to steal prior to entering Sears?" And I said, "Let me check my notes." I don't want her to be writing my report and telling me to put something in there that I can't put in there. I said, "Let me check my notes, and I'll do that." I believe that conversation took place in the Sergeant's office. I walked out to my vehicle, looked at my notes, fixed my report and walked back in. She said, "Okay, it looks good."

Sgt. Williams: Did she approve your report?

Off. Sisco interview transcript (9-3-13)

Officer Sisco: I would have to see my report to know, I believe so, but I'm not sure.

Sgt. Williams: Okay.

Officer Sisco: I did hand it right back to her. It took me 30 seconds to fix it.

Sgt. Williams: Okay. And what did you do to fix it?

Officer Sisco: I walked out there, I looked and I read everything again. I wanted to reread my whole report to make sure that, because a lot of times they'll say, "Oh, this isn't in here." I'll go back and read it, and it is in there. It's already in there. Before going and changing it to be her words, which would be her report then, not mine, I went out there, looked at my notes, read my report again. I added in, I don't remember which part it was that she needed me to clarify. I changed some words to clarify it so it was "dumbed down."

Sgt. Williams: Okay.

Officer Sisco: And then I turned it right back in to her. I believe it was adding in there, "Intending to steal prior to going in there," and it was only one person's statement that that even applied to. It wasn't even both of theirs.

Sgt. Williams: Okay. Like you said, you've got to take a copy of the report down to Juvenile Hall, right?

Officer Sisco: Yes.

Sgt. Williams: You don't take the original down there.

Officer Sisco: I do. I make copies while I'm there.

Sgt. Williams: Okay. So you're certain that the copy that you dropped off when you dropped off the two kids at Juvenile Hall is this exact police report?

Officer Sisco: No, I mean, I could have taken them before. But most of the time I would take the original down there. I don't know if that's what I did in this case or not, to be honest.

Sgt. Williams: Well-

Officer Sisco: I know that there was no conversation that took place over the phone.

Off. Sisco interview transcript (9-3-13)

Sgt. Williams: Okay. So you were working with Sergeant Chase on this, and your recollection is before you went down to Juvenile Hall, you guys had this discussion, and you changed your report.

Officer Sisco: I said, "Before or after." I don't remember when I had that conversation.

Sgt. Williams: Okay. Well then, I don't understand, because you said Sergeant Chase's rendition of her story about what happened is not possible, because you took your report to Juvenile Hall. So it couldn't have been changed afterwards. So at Juvenile Hall, you dropped off a report.

Officer Sisco: That's not what I said. I told you I don't remember what all paperwork I took down there. I told you I don't remember whether or not I took my whole report, or if I just took a summary.

Sgt. Williams: Okay.

Officer Sisco: But I said the crime report I had with me, and I don't believe she was reading it while I was driving and then called me, no.

Sgt. Williams: I thought you said you took your report down and you made a copy of it while you were there.

Officer Sisco: Yes, the paperwork that you have to take down there, whatever they consider to take down there.

Sgt. Williams: Okay. Did you take a copy of your arrest report to Juvenile Hall with your kids that you took down there?

Officer Sisco: The report, I don't remember what I took down there. You have to take a certain amount of paperwork. I told you I do not remember if I took a summary of it, or my arrest report, my whole report. I don't remember at that point what I typed up.

Sgt. Williams: Is it possible, do you believe it's possible, that you took a completed arrest report that had not been approved yet? That was a copy of what you submitted in the inbox for the Sergeant to read, and dropped that off, and then when you came back to the police department, you changed the report based on Sergeant Chase's recommendation, and ultimately had that updated report approved? Is that possible?

Mr. Gomez: Don't speculate.

Officer Sisco: I don't recall.

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Sgt. Williams: Okay. So you don't remember when you changed this report.

Officer Sisco: Right after-

Mr. Gomez: Objection with the use of the word "change," I don't think there's been any testimony that she changed the report, whether or not an addition or a modification constitutes a "change," I don't know.

Sgt. Williams: Okay. You made some modification to the report after Sergeant Chase spoke with you, right?

Officer Sisco: Yes.

Sgt. Williams: Okay. When was that modification made?

Officer Sisco: Immediately after she told me.

Sgt. Williams: When in time, in relation to when you went down to Juvenile Hall?

Officer Sisco: I'd have to see the paperwork to look at it.

Sgt. Williams: What paperwork would help you?

Officer Sisco: To see what I submitted to Juvenile Hall.

Sgt. Williams: So right now, you don't remember if ... And I don't want to put words in your mouth, but right now you don't recall if you modified the report before you went down to Juvenile Hall or if it was after you went to Juvenile Hall.

Officer Sisco: Correct.

Sgt. Williams: And at this time, you don't recall, and I don't want to put words in your mouth, I'm just saying I'm going to make sure I understand correctly. You don't recall what paperwork you dropped off at Juvenile Hall?

Officer Sisco: There would be the arrest reports, there would be arrest ... Yes. Not my actual report, the arrest reports.

Sgt. Williams: The face sheets?

Officer Sisco: The arrest sheets, face sheets.

Sgt. Williams: Okay.

Officer Sisco: There would be the crime report.

Sgt. Williams: Okay.

Officer Sisco: Crime sheets. And then there's going to be a summary. Whether or not I used my whole report, or I just turned in the summary, I don't recall.

Sgt. Williams: Okay. Okay. And then you said Sergeant Chase told you to modify the report in some way to make it easier for the DA to understand what the intent was?

Officer Sisco: She wanted me to use her terminology, yes.

Sgt. Williams: Okay. What was her terminology?

Officer Sisco: I'd have to look at my report compared to the first one that I had to tell you what she told me to put in there.

Sgt. Williams: Okay. Earlier, just now, I thought you had said that she brought up some issues that she wanted dealt with in the report, and you said that you had to go change ... You had to go check your notes to see what was said, and then you made some changes.

Officer Sisco: I said that she wanted me to clear up something that I had already written, she wanted me to dumb it down. She gave me the terminology to use. Without just saying, "I'm going to use your terminology," I went out and said, "I need to check my notes."

Sgt. Williams: Okay.

Officer Sisco: That was a common occurrence, that she did that with almost every single one of my reports. And I did that with ... Every single answer was to her was, "I need to go check, make sure ..." Or, "I need to read my report again to make sure I can say that." It wasn't a first-time thing.

Sgt. Williams: Okay. In this case, did you go check your notes?

Officer Sisco: Yes.

Sgt. Williams: Okay. And after checking your notes, did you change your report? Or modify your report?

Officer Sisco: I clarified. It wasn't like ... No sentence was totally added in there, something was completely changed. A word was changed that made it

dumbed down, and something that everybody can understand, rather than just police officers.

Sgt. Williams: In your opinion, was Sergeant Chase's suggestions to you and requirements to you proper or improper?

Officer Sisco: I would need to see my first report to be able to tell you that. I don't recall.

Sgt. Williams: I guess my question to you is, some of the wording you're using to me could be interpreted as she was ordering you to change a report in a manner that wasn't necessarily factual, but just the way she wanted it.

Officer Sisco: Yes, and you can ask any officer on that shift, that she does the same thing with every single person. We all talked about that.

Sgt. Williams: Do you believe that Sergeant Chase in this case ordered you to change your report in an improper way?

Officer Sisco: She did not order me to do anything, no.

Sgt. Williams: Okay. In your opinion, did Sergeant Chase do anything improper?

Officer Sisco: She told me I needed to change it. If you don't change something, it's not going to get approved. That's the way it works down there. If you don't change it to how they want it, it's not going to get approved. I was told that in training. You write it to how your Sergeant that's reading your report, you write it to how they want it, and that's how you get it approved. That's what ... You're told in training to do the same thing. So yes, you have to change it so she'll approve it.

Sgt. Williams: Are you aware of your legal requirement to write a factual police report as a police officer?

Officer Sisco: Yes. I did not change anything that it would not be factual.

Sgt. Williams: Okay. So everything in your report is factual.

Officer Sisco: Yes.

Sgt. Williams: Okay. So nothing in your report was put in at the request of Sergeant Chase that is not actually factual.

Officer Sisco: Correct.

Off. Sisco interview transcript (9-3-13)

Sgt. Williams: Okay. So she brings up the issues to you, that she interpreted as being potential issues, you go ... Do you remember where you went to check your notes?

Officer Sisco: Out to my car.

Sgt. Williams: Was your car in the back lot?

Officer Sisco: Yes.

Sgt. Williams: Okay. So after speaking with her, you were in the back lot, you check your notes, you make some sort of modification to your report that makes it acceptable to Sergeant Chase, and then you submit it? Is that true?

Officer Sisco: Yes.

Sgt. Williams: All right.

Officer Sisco: Am I able to see that report again?

Sgt. Williams: Yes, sure.

Officer Sisco: Can I see the teletypes, please?

Sgt. Williams: Yes.

Officer Sisco: That's [inaudible 00:33:27] saying to her, and that's when I was there, and it was signed at 4:00. Thank you.

Sgt. Williams: All right. Looking at the report, it looks like it was approved by Sergeant Beronda.

Officer Sisco: Yes.

Sgt. Williams: Do you remember submitting it to Sergeant Beronda?

Officer Sisco: No, I submitted it in the inbox.

Sgt. Williams: Okay.

Officer Sisco: That's where I put all my reports. I don't give it to the Sergeant. But that was prior to me going down to Juvenile Hall.

Sgt. Williams: This was approved prior to?

Officer Sisco: Yes.

Sgt. Williams: Now, reading the report, before you could not recall that. What now makes you so certain?

Officer Sisco: That it was approved prior to me going down to Juvenile Hall?

Sgt. Williams: Yes.

Officer Sisco: The time stamp on there, and when I put myself en route to Juvenile Hall.

Sgt. Williams: Okay, I'm sorry, the time stamp on where?

Officer Sisco: When he approved it.

Sgt. Williams: Where is the time stamp regarding the approval?

Officer Sisco: Oh, my apologies, I guess there is not a stamp of when he approved it. No, that's the my error. No, I don't know when, I can't ... Actually you're right. I looked at something completely incorrect. I don't know when that was approved. Before or after.

Sgt. Williams: Okay.

Officer Sisco: My apologies, I confused it myself.

Sgt. Williams: Okay. So you still don't know when you made the modifications to the report?

Officer Sisco: No.

Sgt. Williams: All right. So what ... You don't know ... Okay, let me just ask you these questions to make sure. Do you know when in time in relation to your travels down to Juvenile Hall that Sergeant Chase mentioned to you that she had issues with your report?

Officer Sisco: I don't recall that being while I was traveling, and I don't believe I would have answered my phone. So I don't believe it was when I was driving.

Sgt. Williams: Okay. But my question is, when do you recall, when in relation to going to Juvenile Hall, was it before you went to Juvenile Hall that Sergeant contacted you regarding her concerns, or after? Or-

Officer Sisco: Like I stated before, I don't remember if it was before or after.

Sgt. Williams: Okay. But you're telling me you're certain that it wasn't while you were driving?

Officer Sisco: I don't believe it was while I was driving, no.

Sgt. Williams: Is it possible?

Officer Sisco: Unlikely.

Sgt. Williams: Would cellphone records, you think, help?

Officer Sisco: If I pulled my cellphone records?

Sgt. Williams: Well no, if your cellphone records were reviewed, it would likely show when you received an incoming call from the Police Department.

Officer Sisco: And if I answered, yes, but that would show if a call was made. That wouldn't show what conversation took place.

Sgt. Williams: Certainly. While you were driving down to juvenile hall, do you remember talking to anyone else from the police station?

Officer Sisco: I don't believe so, no.

Sgt. Williams: Okay. Did Sergeant Chase ever call you on your cellphone at any other time while you worked for her?

Officer Sisco: Really, I don't ... I can't ... It's usually I got some messages over the computer, so I don't believe she has ever called me on my cellphone. She may have once or twice, but it's not a common thing, no.

Sgt. Williams: Okay. All right. We're not sure when the report was changed or when the conversation occurred necessarily, that's fine. But you do recall that after you had the conversation with Sergeant Chase, you went to the back lot, you reviewed your notes, you made whatever modifications to your report that would still maintain the report being completely factual.

Officer Sisco: Yes.

Sgt. Williams: But would meet the requirements of Sergeant Chase?

Officer Sisco: Yes.

Off. Sisco interview transcript (9-3-13)

Sgt. Williams: All right, okay. Let me just make sure I got all this right. Okay.

Officer Sisco: Do you mind if I get more water?

Sgt. Williams: No. Please help yourself. And if you need a break, let me know. Okay. So you got dispatched, you went with Burns, I'm going to go through the summary and make sure I have it properly in my notes, because I'm using shorthand like you probably did. You got dispatched to Sears, you met with Officer Burns before you went in?

Officer Sisco: Yes.

Sgt. Williams: Okay. Once you went in, the two juveniles were already in custody.

Officer Sisco: Yes.

Sgt. Williams: Of the Loss Prevention Agents.

Officer Sisco: Yes.

Sgt. Williams: You spoke with a Loss Prevention Agent who gave you the synopsis that the two juveniles had stolen some vests, boots and shirts?

Officer Sisco: They both gave me a synopsis.

Sgt. Williams: Both Loss Prevention Agents?

Officer Sisco: Yes. I got a statement from both of them.

Sgt. Williams: Okay. After you got the synopsis of what happened from the Loss Prevention Agents, you then Mirandized per your reading off your notebook to one of the juveniles, that juvenile waived their rights and gave you a statement?

Officer Sisco: Yes.

Sgt. Williams: And that statement, you noted in your PD145 notebook as you took the statement, and then incorporated those notes into your police report?

Officer Sisco: Yes.

Sgt. Williams: All right. And then you did the same thing with the second juvenile?

Officer Sisco: Yes.

Sgt. Williams: All right. That juvenile waived, you questioned, you took notes, you later used those notes and incorporated them in your police report. Right?

Officer Sisco: Yes.

Sgt. Williams: All right. You allowed them to call their parents, you searched them, you brought them to the station, you determined Juvenile Hall would take them, so you completed paperwork at the station, whatever was necessary to take to Juvenile Hall.

Officer Sisco: Yes.

Sgt. Williams: You're not sure what all that encompassed now.

Officer Sisco: Yes, I'd have to get a copy from Juvenile Hall as to what I gave them.

Sgt. Williams: Okay. And then at some point, either before you went to Juvenile Hall or after you got back from Juvenile Hall, Sergeant Chase contacted you. And do you remember if that contact with Sergeant Chase was on the phone or in person?

Officer Sisco: I believe that was in person.

Sgt. Williams: All right. So she contacted you in person.

Officer Sisco: In the Sergeant's office.

Sgt. Williams: In the Sergeant office. And that was either before you went to Juvenile Hall or after, and she mentions that you need to make some modifications to your report to make it more clear for the DA's office that the intent was there to steal.

Officer Sisco: She wanted me to clarify words, yes.

Sgt. Williams: Do you remember what words?

Officer Sisco: No.

Sgt. Williams: Do you remember the meaning behind the words? Was it-

Officer Sisco: I'd have to see my original ... My first report, and compare it to my second report.

Sgt. Williams: So she had issues with your report, you don't recall what they were dealing with, what they were associated with?

Officer Sisco: It was clarifying the intent.

Sgt. Williams: Okay. As it relates to both of the suspects' statements?

Officer Sisco: No, there was only one. It was already in the summary. She wanted ... It was written, both, in their statements, she wanted me to clarify one of the suspects' statements.

Sgt. Williams: Do you remember which one?

Officer Sisco: I would be speculating if I gave an answer.

Sgt. Williams: Okay, that's fine. Okay, so her issue, that you recall, that she brought up, was that your report as it relates to the documentation of one of the suspects' statements was insufficient, in her opinion.

Officer Sisco: Was not "clear."

Sgt. Williams: Okay. So she asked you to modify that one statement of one of the suspects to make it more clear.

Officer Sisco: She asked me to clarify something in my report.

Sgt. Williams: Okay. All right. You then went from the Sergeant's office out to your car, you reviewed your notebook, which had the notes, you made whatever change met her requirements, but also was factual.

Mr. Gomez: Mis-states. She said "clarify," not "change." "Clarify."

Sgt. Williams: Clarified the report?

Officer Sisco: Yes, I clarified, keeping it factual.

Sgt. Williams: Okay. So you clarified the report, which probably means you made some modification to it, right?

Officer Sisco: Yes.

Sgt. Williams: All right. And then you resubmitted it, the report, put it in the inbox, and it appears that Sergeant Beronda eventually reviewed it, at the bottom of

your ... You took a look at your, just a couple of minutes ago, you took a look at your ... The CAD printout before this call?

Officer Sisco: Yes.

Sgt. Williams: Did you note anything in there that was important or informational regarding this?

Officer Sisco: No, I just wanted to see my times.

Sgt. Williams: Okay. And looking at your times, does it help clarify anything in your mind?

Officer Sisco: Right now, no.

Sgt. Williams: Okay. Do you remember on March 18th of 2013, being subpoenaed and going down to juvenile court? It was March 18th of 2013, and testifying in a juvenile trial of one of these minors?

Officer Sisco: Yes.

Sgt. Williams: Do you remember clearly testifying?

Officer Sisco: I remember being there and testifying, yes.

Sgt. Williams: All right. Do you remember what juvenile it was you were there regarding?

Officer Sisco: I don't.

Sgt. Williams: Okay. Prior to providing testimony, do you remember being sworn in by the court?

Officer Sisco: Yes.

Sgt. Williams: And being advised that your testimony was subject to penalty of perjury?

Officer Sisco: Yes.

Sgt. Williams: Okay. Did you give complete and truthful answers to the court on everything you were asked?

Officer Sisco: Yes.

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Officer Sisco: I obviously probably got caught up and made a mistake. I never intended to lie, or to answer, "No." Maybe at that time I didn't remember? I don't know.

Sgt. Williams: Can you explain why you wouldn't remember on March 18th, which is less than a month after the incident, but so clearly today you remember reviewing your notes?

Officer Sisco: Because I ... I know that I did take notes.

Sgt. Williams: Then why did you say to the Defense Attorney you didn't.

Officer Sisco: I don't recall. I most likely made a mistake. He was asking a lot of questions, I probably got confused and made a mistake.

Sgt. Williams: Okay. So you have no doubt in your mind that you did take notes when you investigated this case.

Officer Sisco: Yes.

Mr. Gomez: Also, it's fairly ambiguous because she's testified earlier that when she does her ... Her common practice is either to take notes or write directly on the report. If she wrote directly on the report, that is taking a report, not taking notes. So I don't think it's inconsistent with her prior testimony.

Sgt. Williams: That's not exactly what she stated.

Officer Sisco: That is what I stated. I said I did not know if I wrote on the report, or if I wrote into my PD145 notebook.

Sgt. Williams: Taryn, I've asked you at least five times during this interview, did you specifically remember taking notes and reviewing your notes prior to modifying this report.

Officer Sisco: You also specifically asked me if I wrote onto the face sheet, or if I wrote into my PD145 notebook. And I told you I did not recall.

Sgt. Williams: Well, regardless, that would still be notes, correct?

Officer Sisco: No.

Mr. Gomez: Not necessarily, because it's ... A report is-

Sgt. Williams: I'm asking her.

Mr. Gomez: I know, but you're mis-stating the-

Sgt. Williams: Oh, I'm asking Taryn-

Mr. Gomez: I know. But I want to make sure that you're not taking things out of context. And the contextual nature is, based upon listening to her testimony here and what she testified earlier, is that one of two things happened. She either took notes, or she wrote directly on the report. If she wrote directly on the report, then it's not inconsistent with her testimony that she didn't take any notes. So it's misleading, what you're saying. And I want to just-

Sgt. Williams: I apologize if I've been misleading. Okay. Do you have anything?

Ofcr. Calderwood: Yes, I do.

Sgt. Williams: Okay.

Ofcr. Calderwood: If you say that you wrote directly on your report, you wrote their exact quotation as far as their responses, which were, "Yes," as far as their Miranda rights, correct?

Officer Sisco: Yes.

Ofcr. Calderwood: So on your face sheets, there's no other statements from them written by you, correct?

Officer Sisco: There could have been. A lot of times I rewrite my face sheets. Sometimes I'll just jot something down there, I'll erase it.

Ofcr. Calderwood: Right, so on the final, the only notes that you wrote on there from their statements was their response of, "Yes," correct? On your face sheets?

Officer Sisco: What's on my face sheet is on my face sheet, yes.

Ofcr. Calderwood: Right. So anything else that they gave you as far as a statement, as far as their intent or anything else in being at the location regarding the crime would have been you taking notes, and like you said previously, transposing those onto your typewritten report, right?

Officer Sisco: No, there's actually other notes that I did type on those face sheets, and I was talking about them laughing and all that, so it could have been

written under there and I erased it off of there and decided to write it somewhere else.

Ofcr. Calderwood: So there are other notes, if you consider it using notes from the terminology you guys were using, on those face sheets?

Sgt. Williams: Let me ask you one question real quick. When you went out to your car to check your notes before modifying your report, did you check your notes from your PD notebook, or from the face sheet?

Officer Sisco: I had my whole report with me, so I don't recall.

Sgt. Williams: So you don't recall where the notes were.

Officer Sisco: I don't recall if I reviewed my PD145 notebook, or if I reviewed the face sheets, and the report. Like I said earlier, I could have just read the report and clarified it.

Sgt. Williams: Oh, so it's possible you didn't check notes?

Officer Sisco: No, I ... Like I stated earlier, I looked at everything I had written and fixed it from there.

Sgt. Williams: Okay. Anything else? Okay. I have no further questions. On behalf of the Chief of Police, I am ordering you not to disclose anything we discussed during this interview or anything regarding this investigation with anyone other than your representative, your legal counsel, medical or mental health professionals, family members or clergy. Doing so would be deemed an active in insubordination, and by itself would subject you to disciplinary action up to and including dismissal. Do you understand?

Officer Sisco: Yes.

Sgt. Williams: This concludes the interview. The time is now 10:02am. I'll turn the tape off.

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Mickey Williams

Mr. Williams
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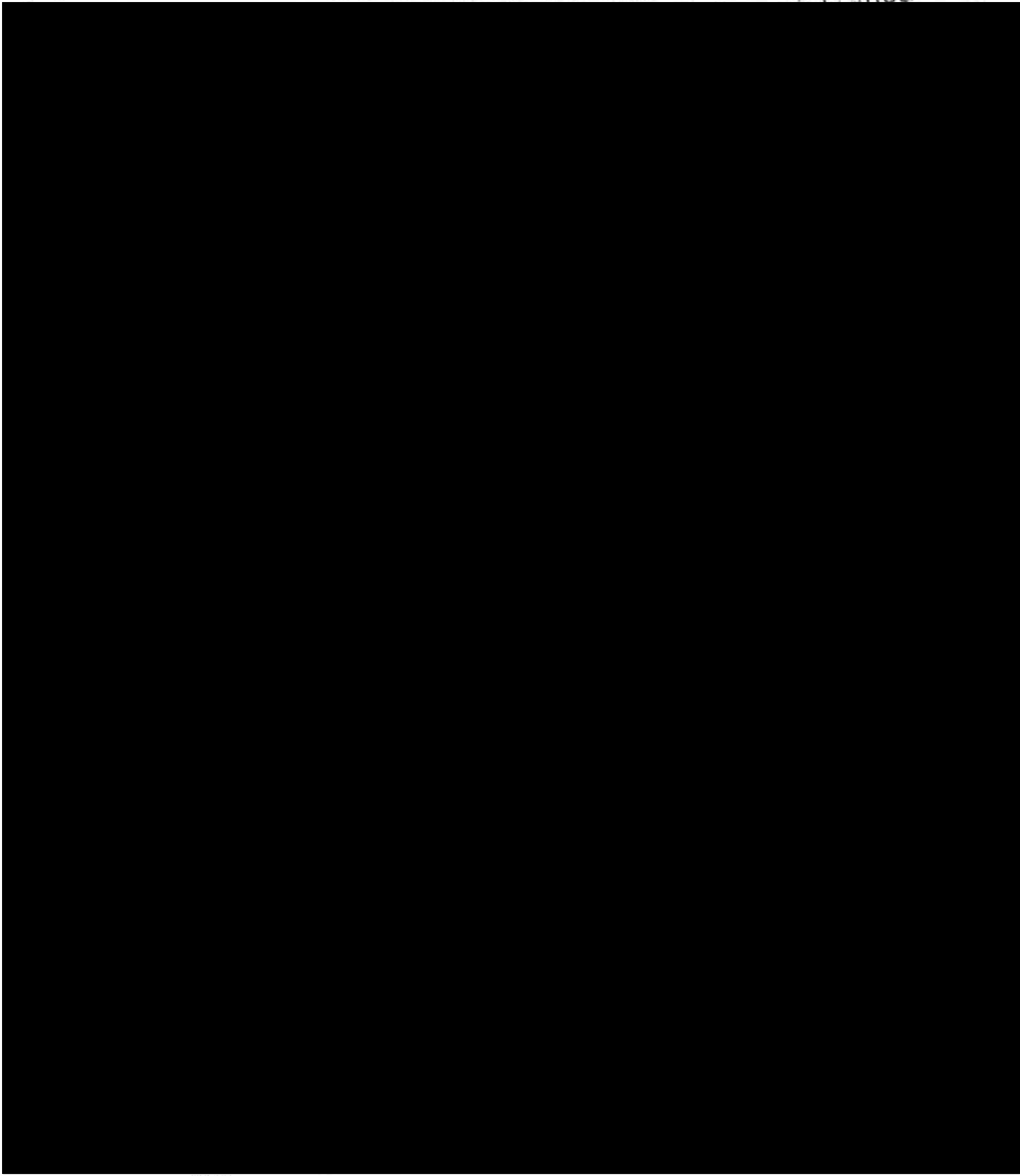


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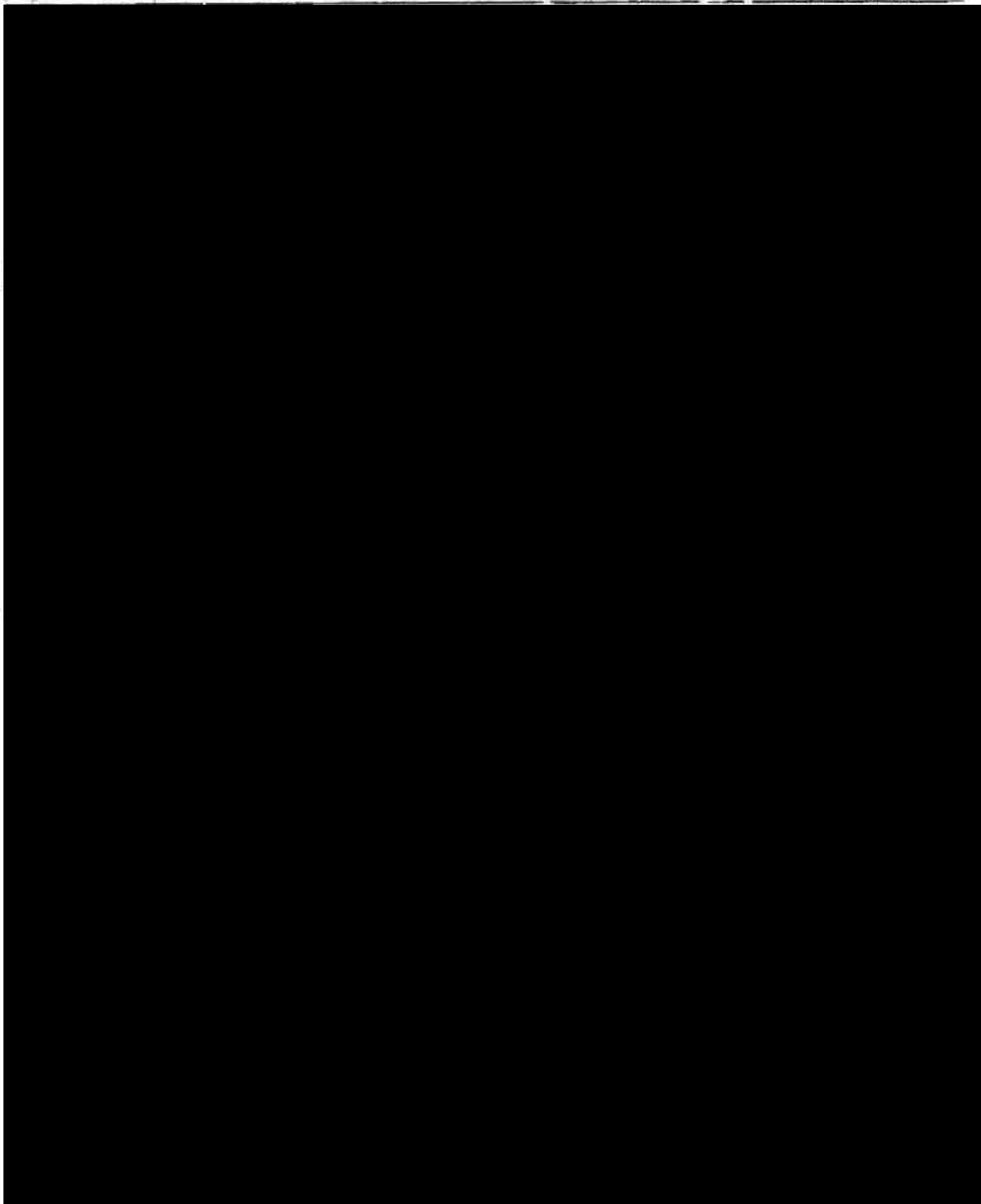
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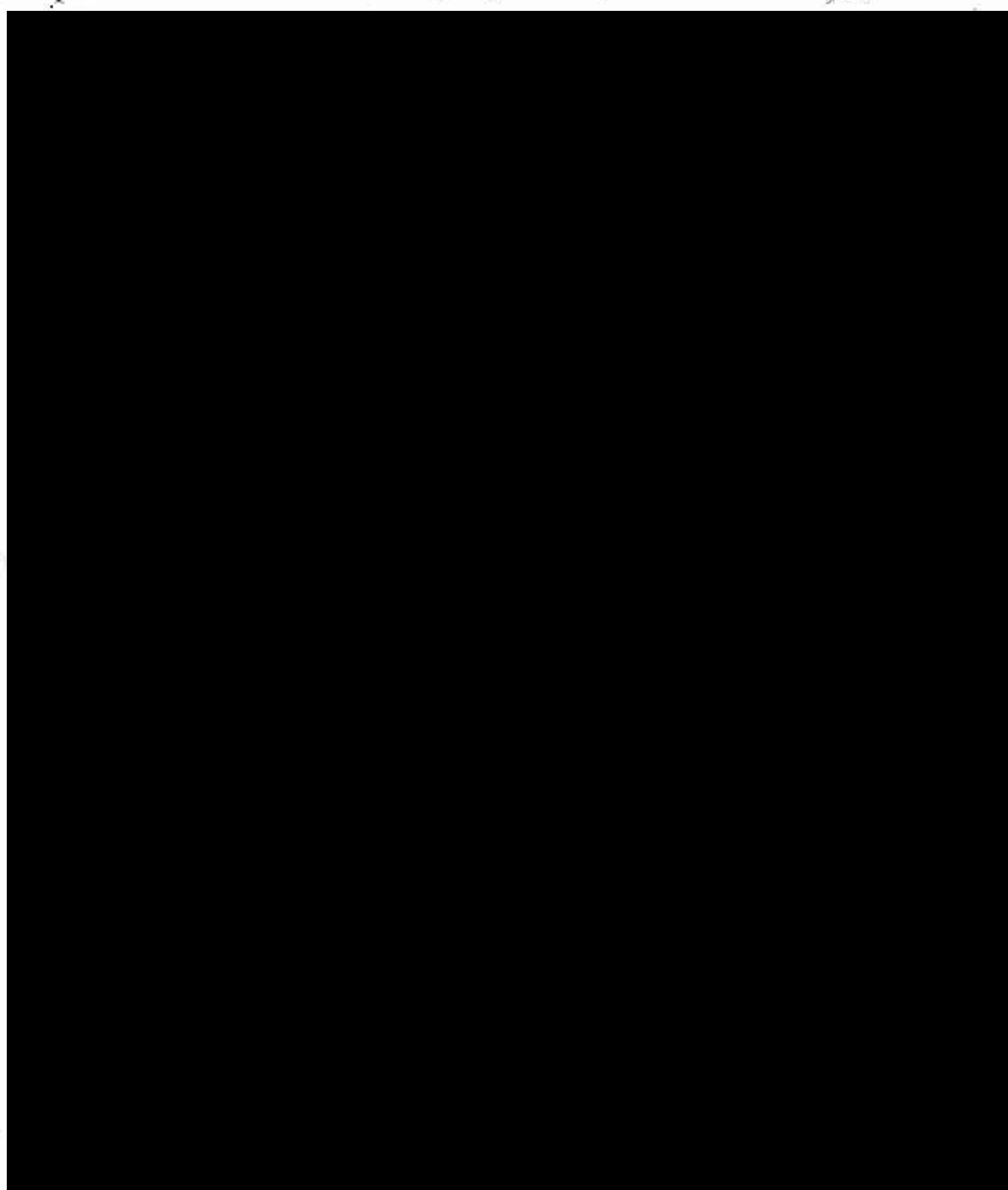
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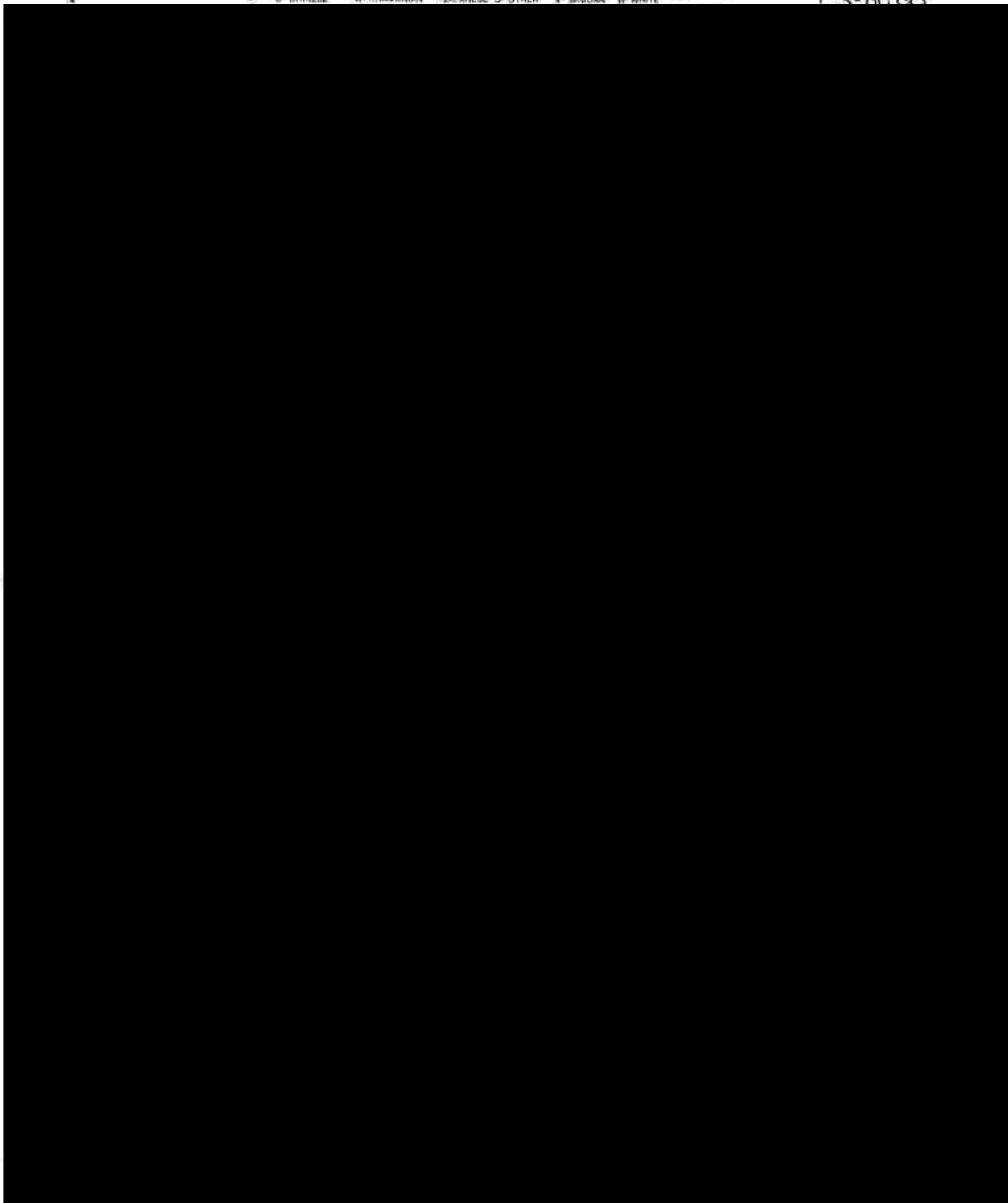
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C- CHINESE G- GUAMANIAN J- JAPANESE O- OTHER S- SAMOAN W- WHITE

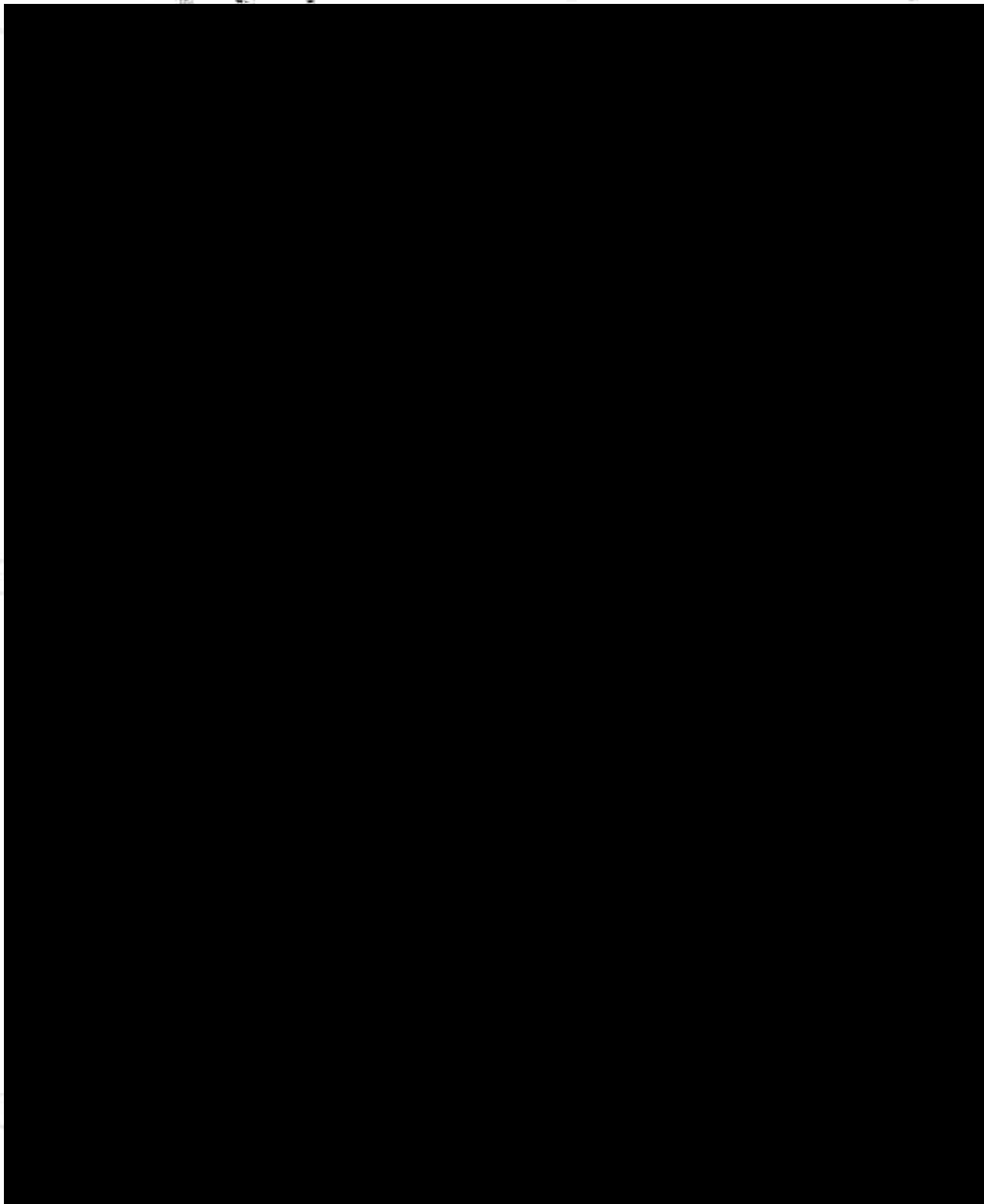
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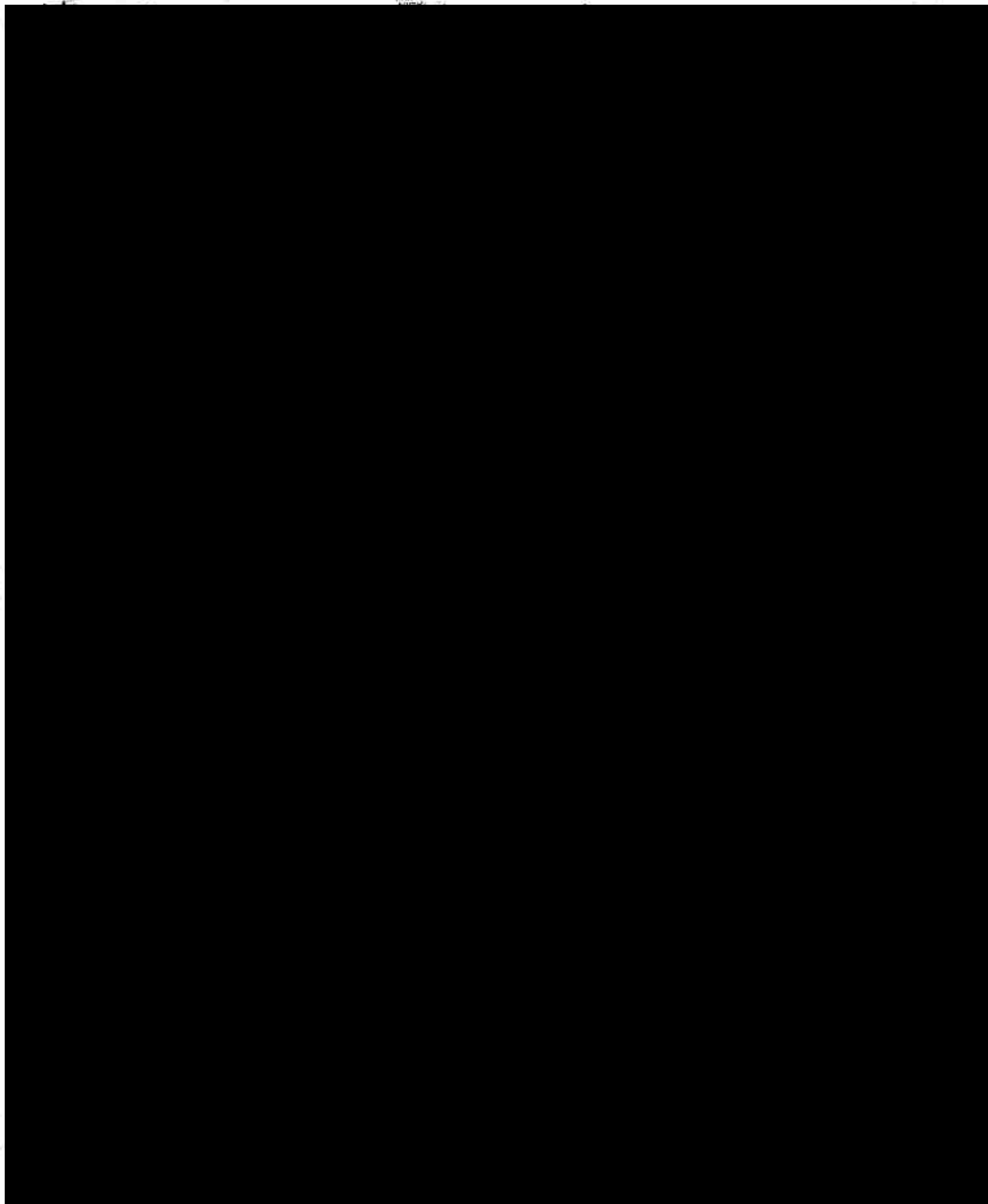
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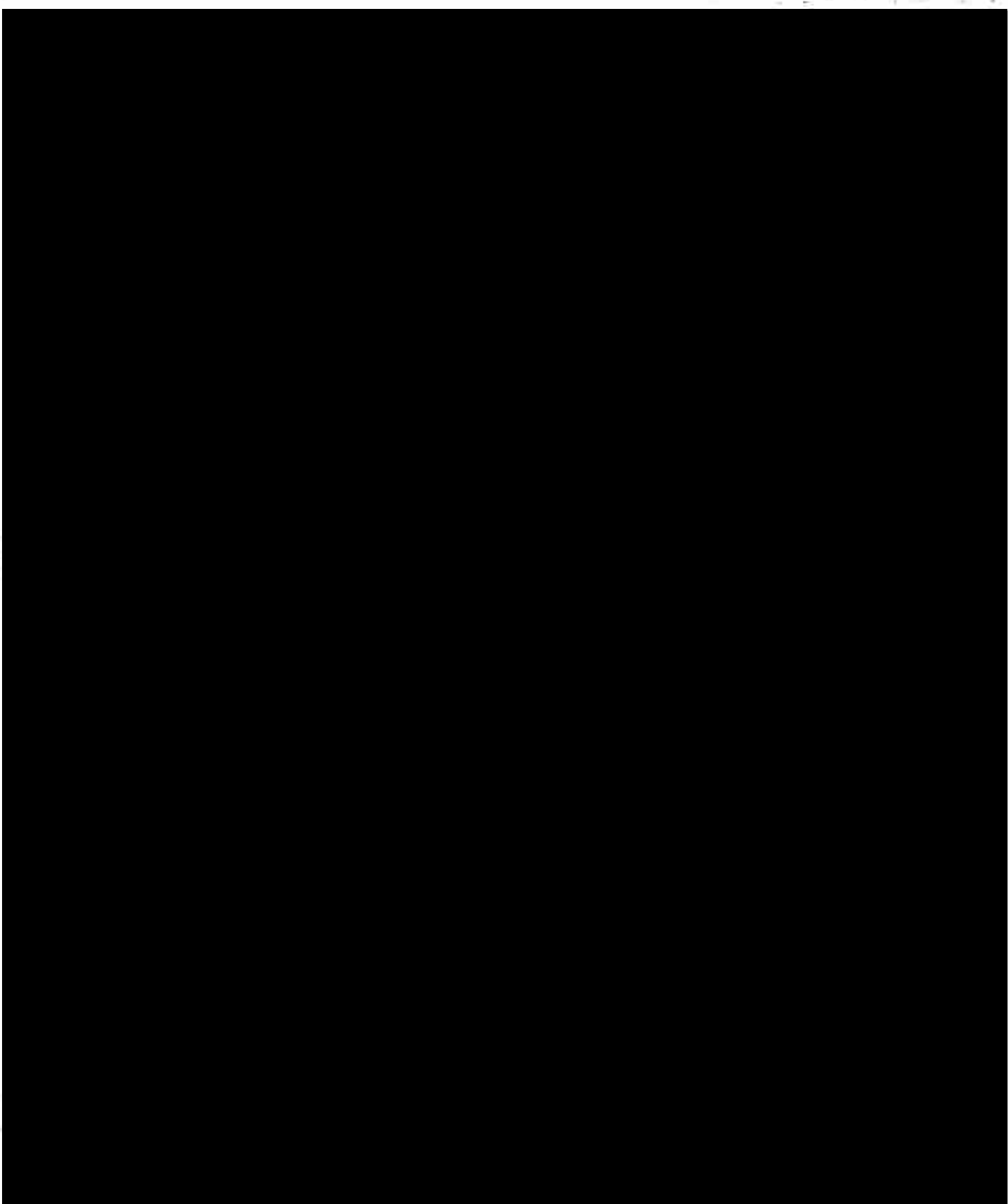
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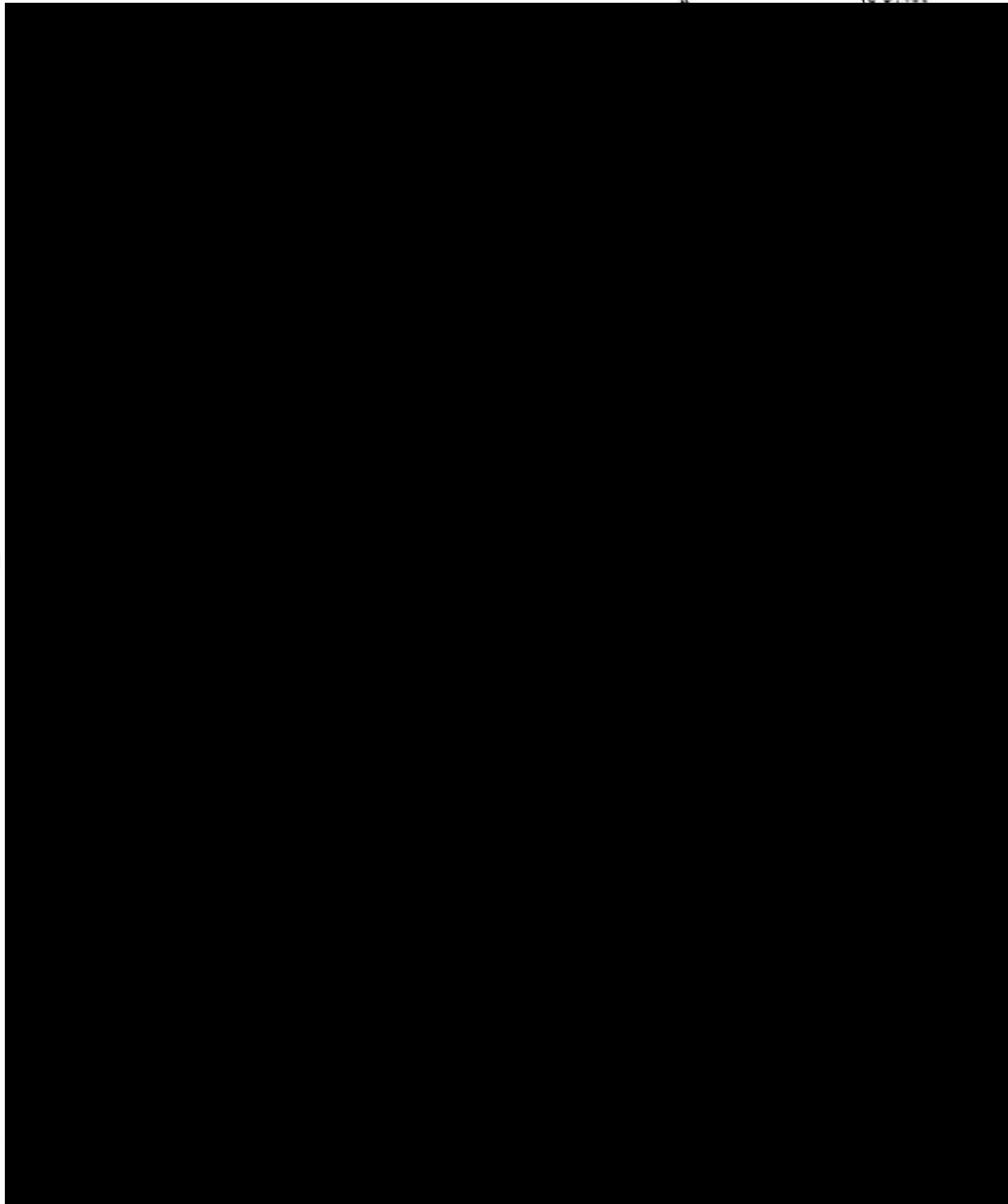
POLICE DEPARTMENT
INVESTIGATIVE NARRATIVE

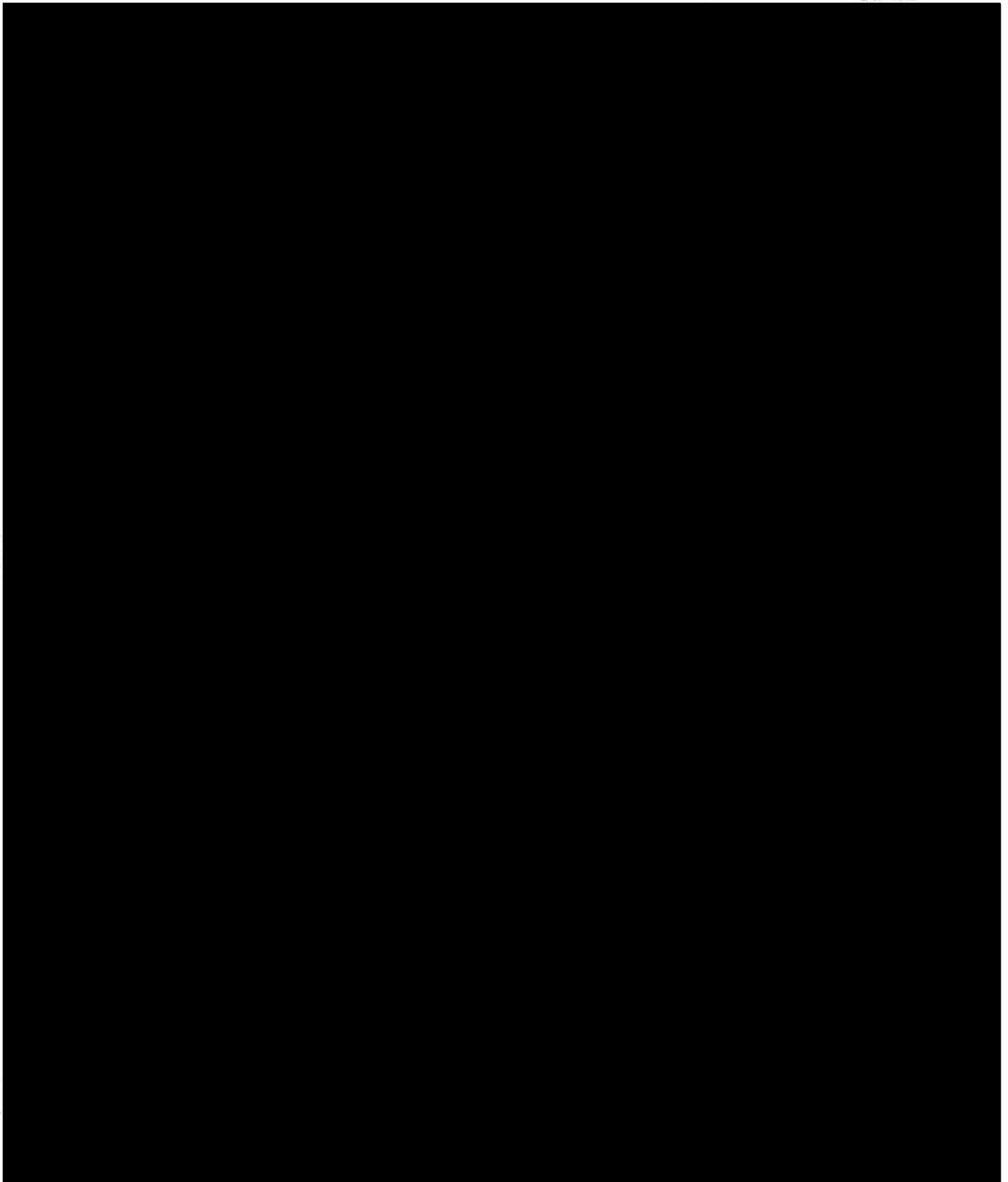
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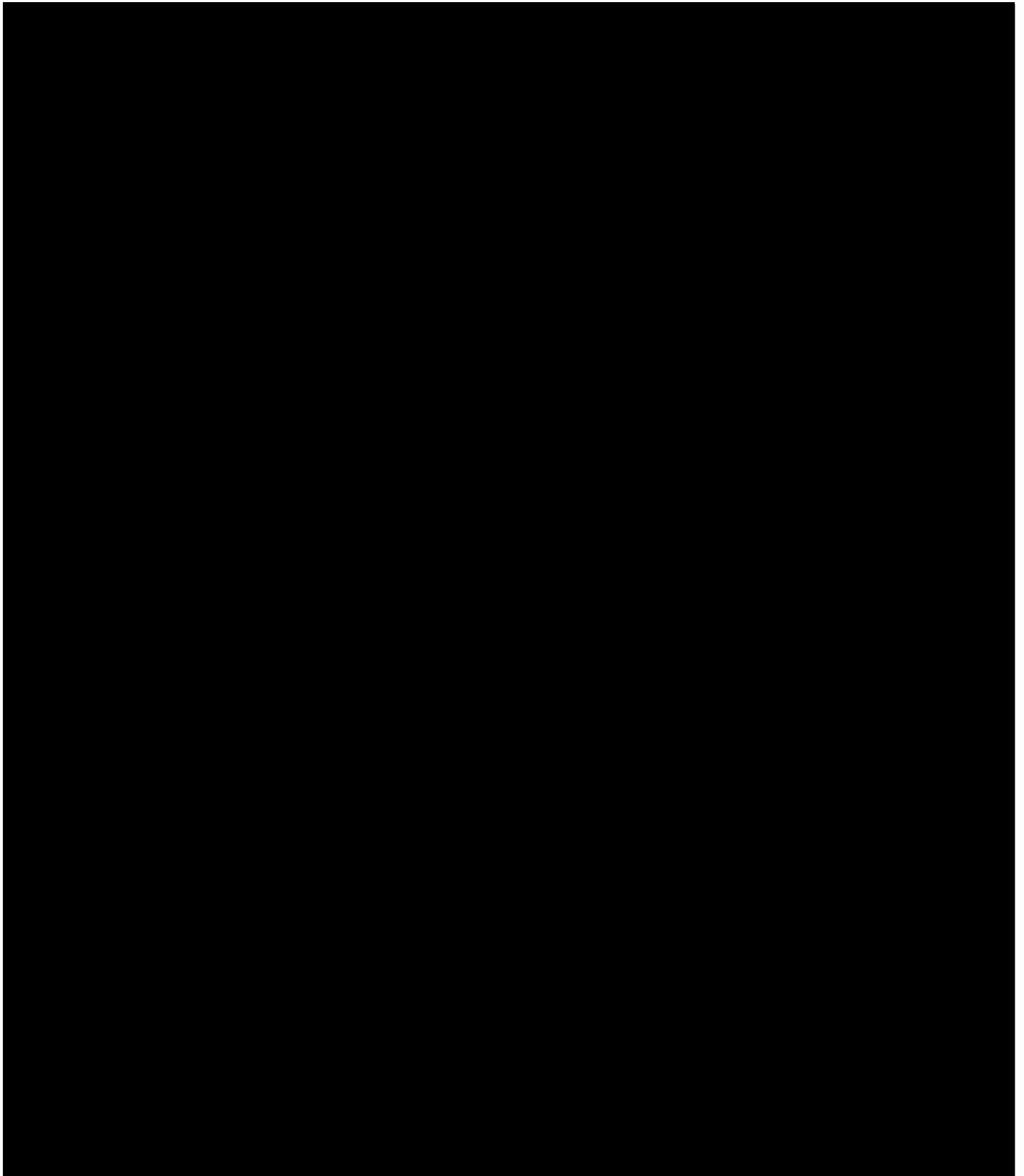
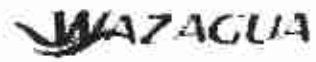
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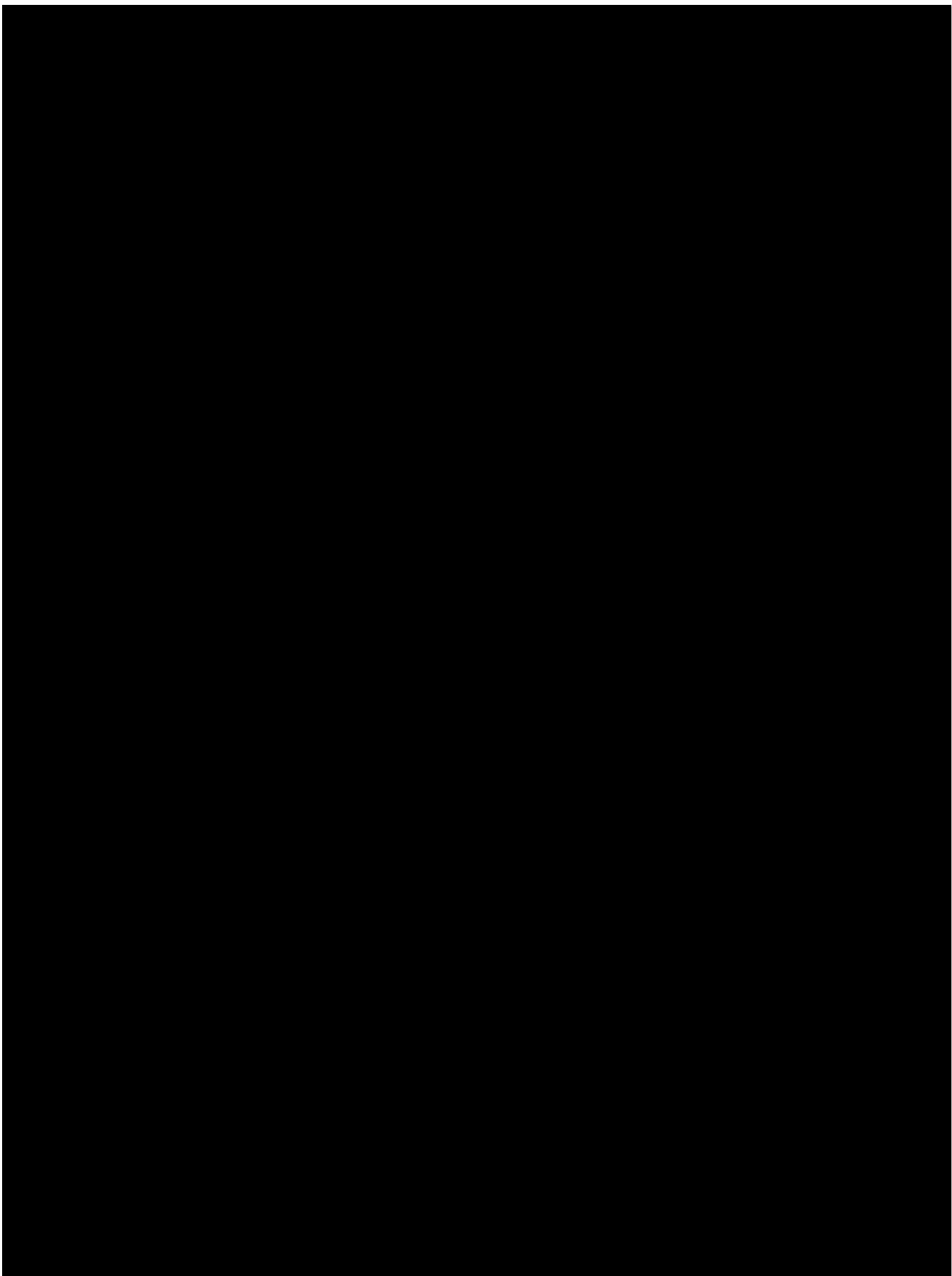
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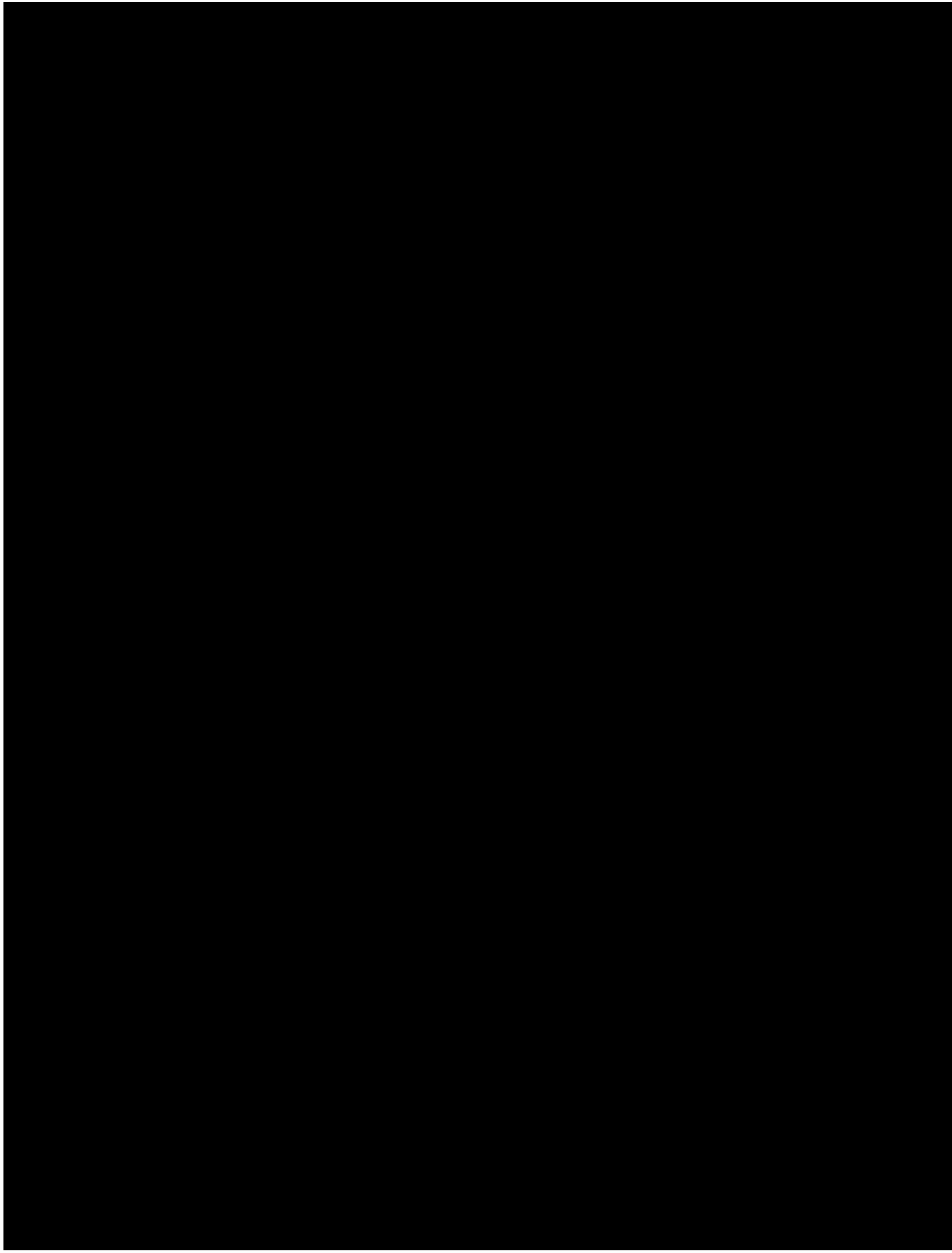




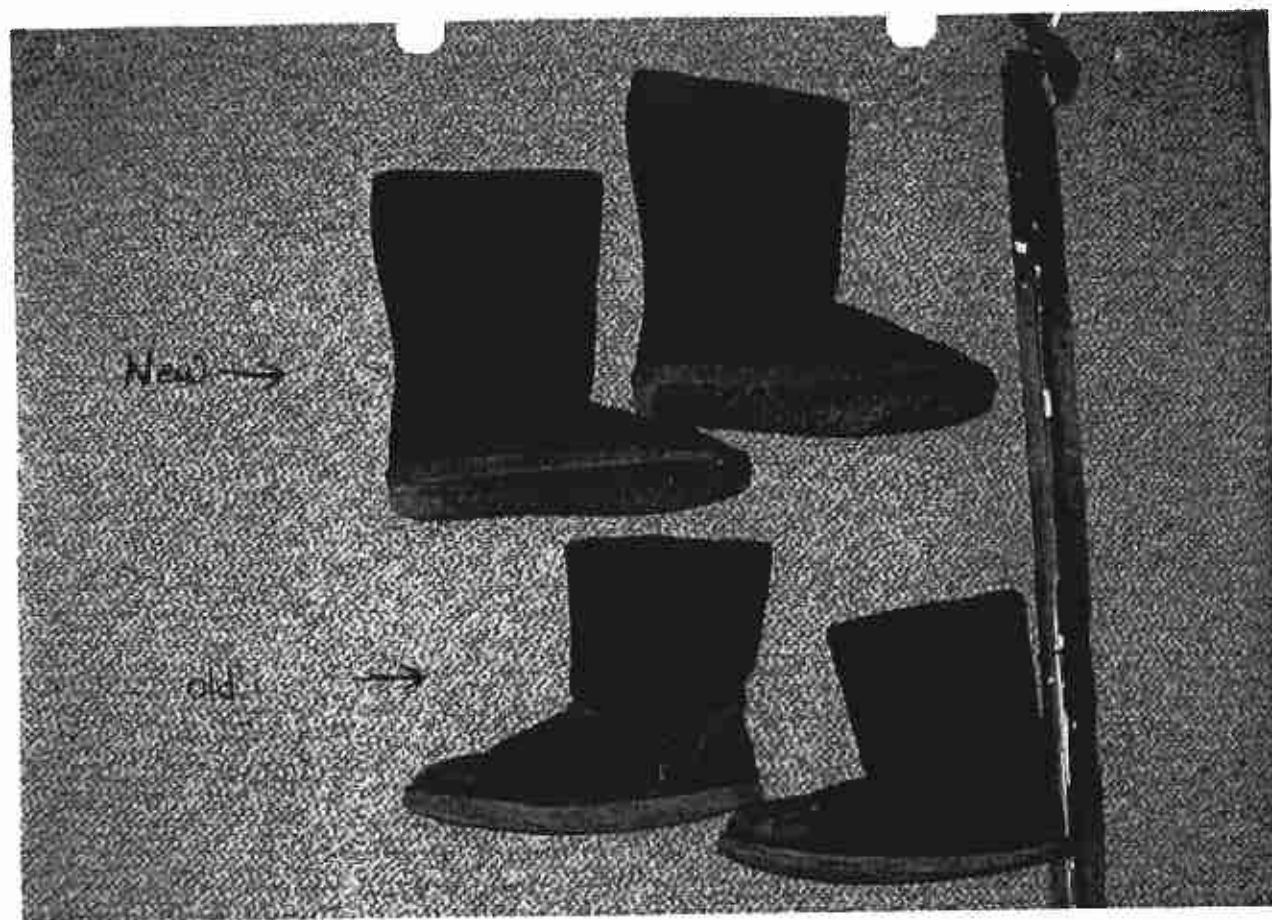
**Snoplifting External Theft
Case Profile Report**











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CBPD Group:PD01 Beat:4 RD:2
100 total:

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Loc:Desc:at 2561 EL CAMINO REAL,CB Loc:ross:btwn PLAZA
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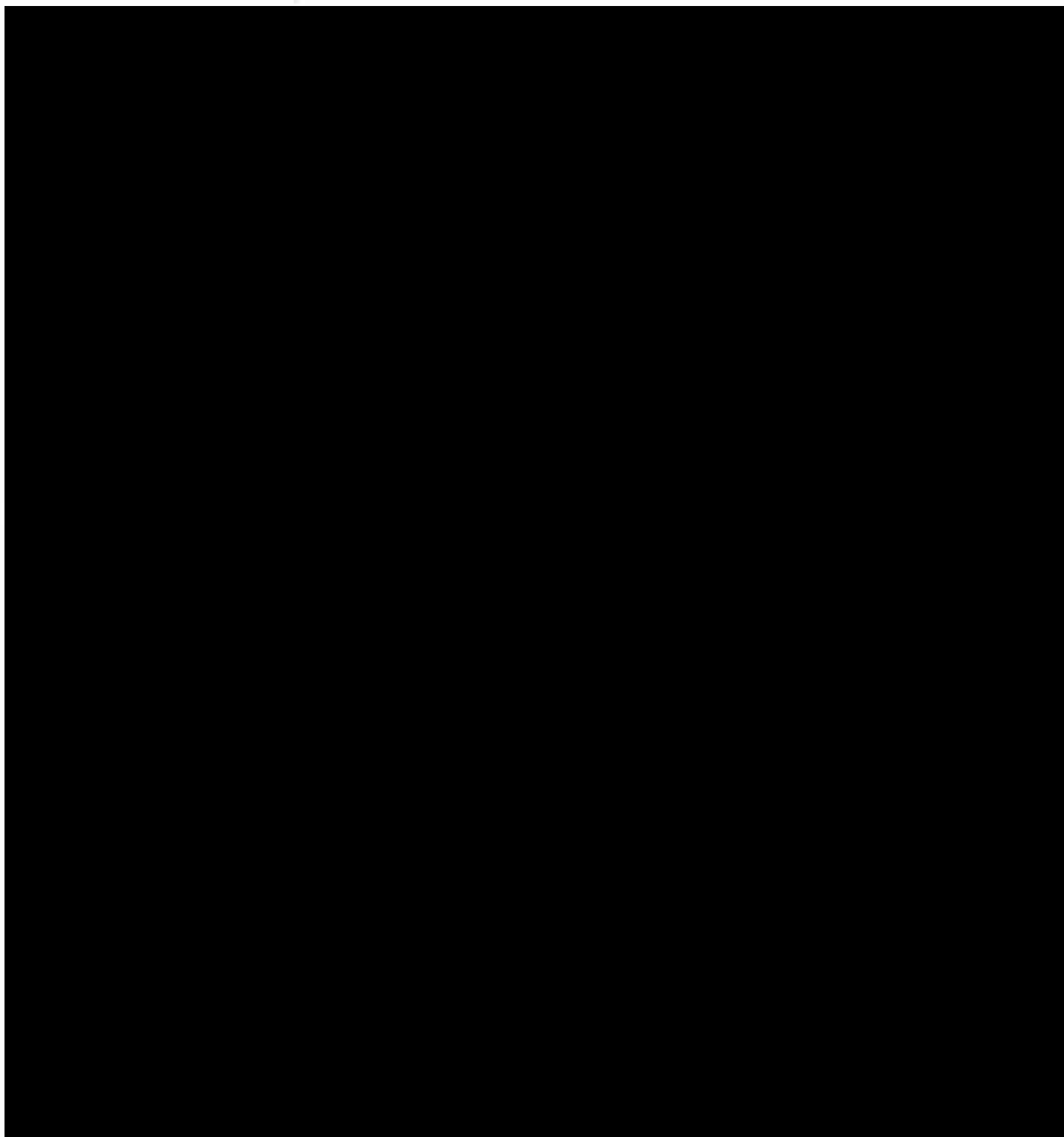
San Diego Sheriff's Department

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- Warrants/TRO/ONS MA19: (Officer Notification System Inquiry)
- Detail Screen (MA19 Reply with Individual's Detail data)

ICER NOTIFICATION SYSTEM (ONS) INFORMATION

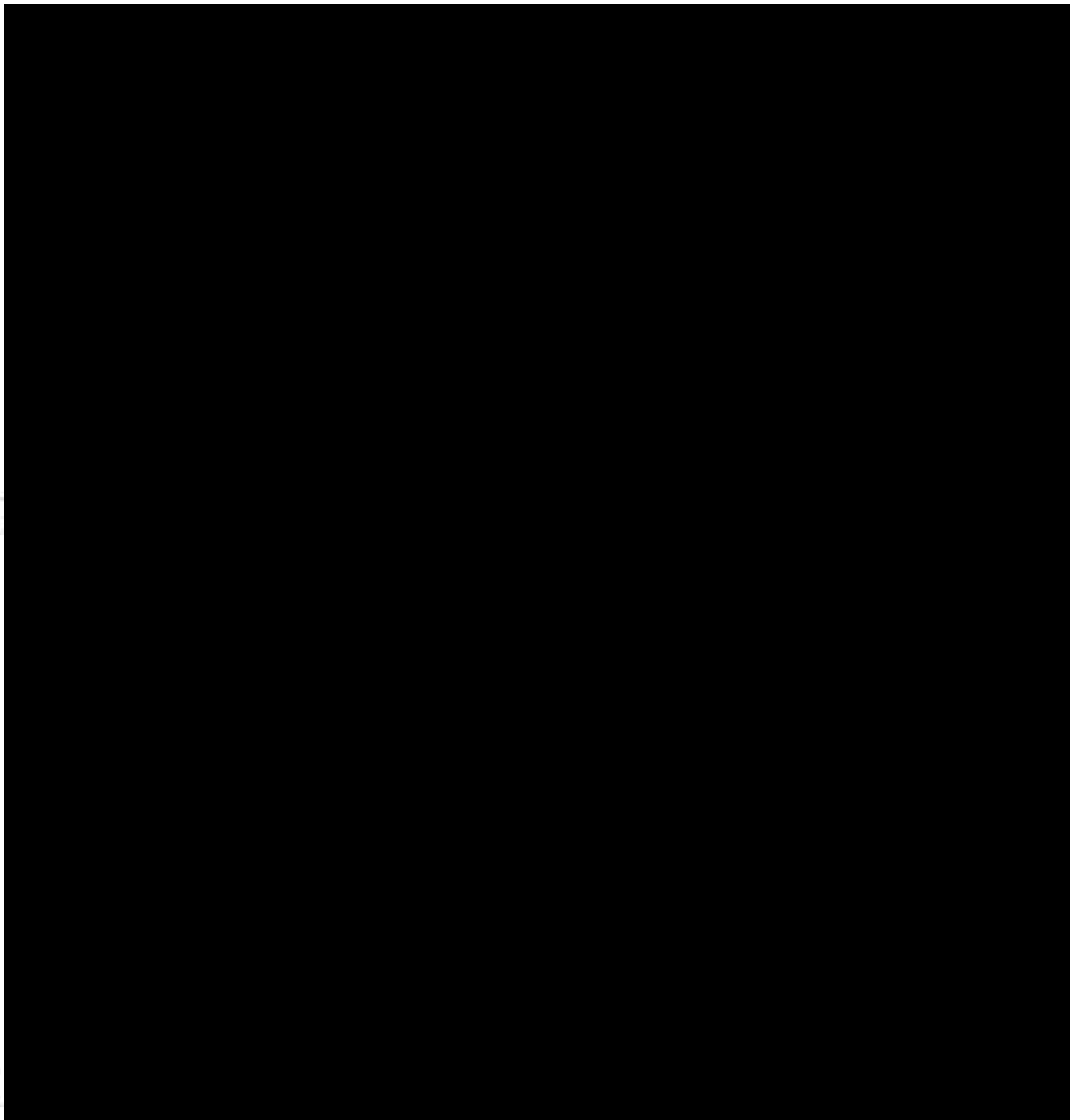


1. General Information
2. System Inquiry
3. Detail

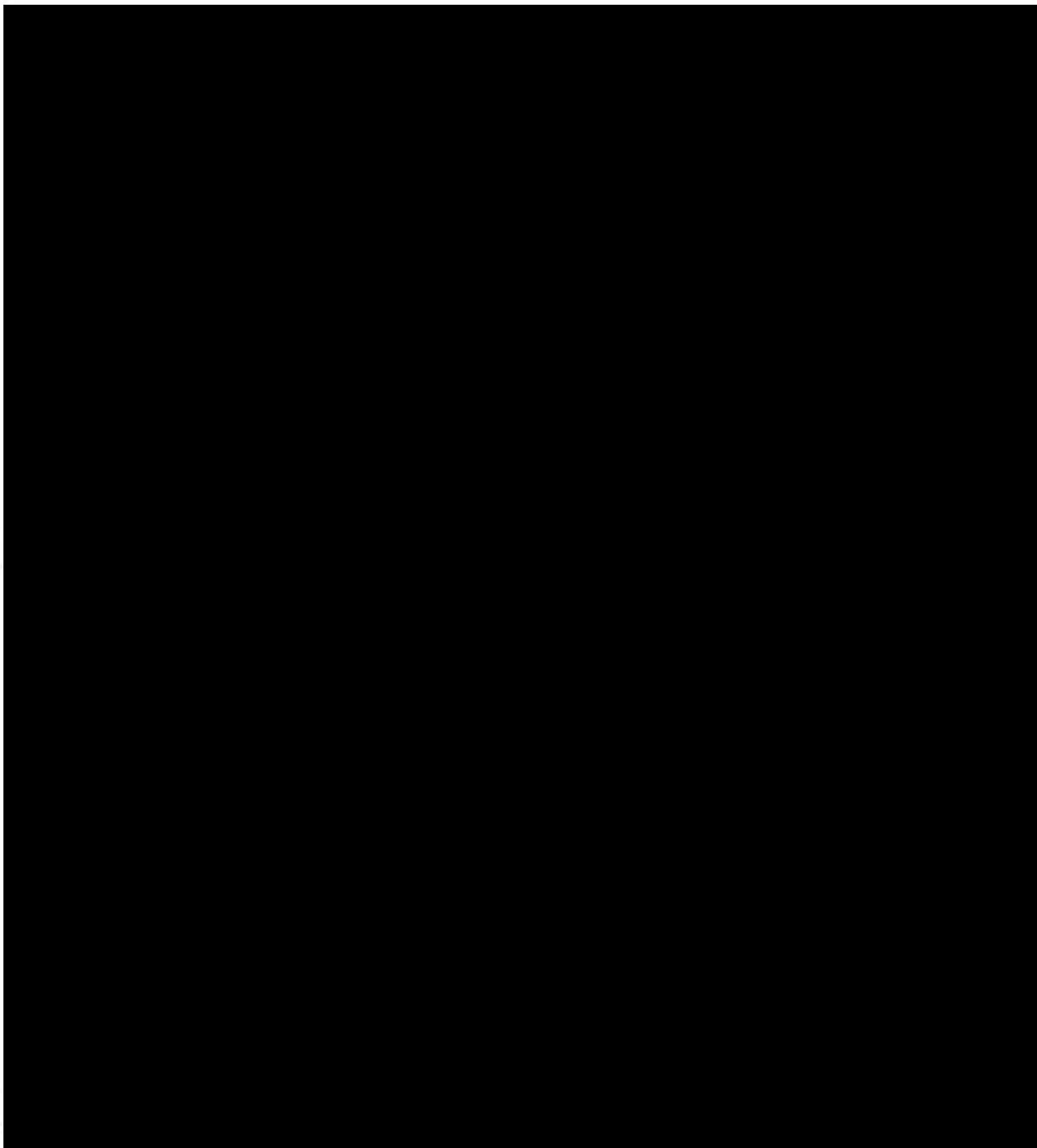
ICER NOTIFICATION SYSTEM (ONS) INFORMATION

Page 1 of 1

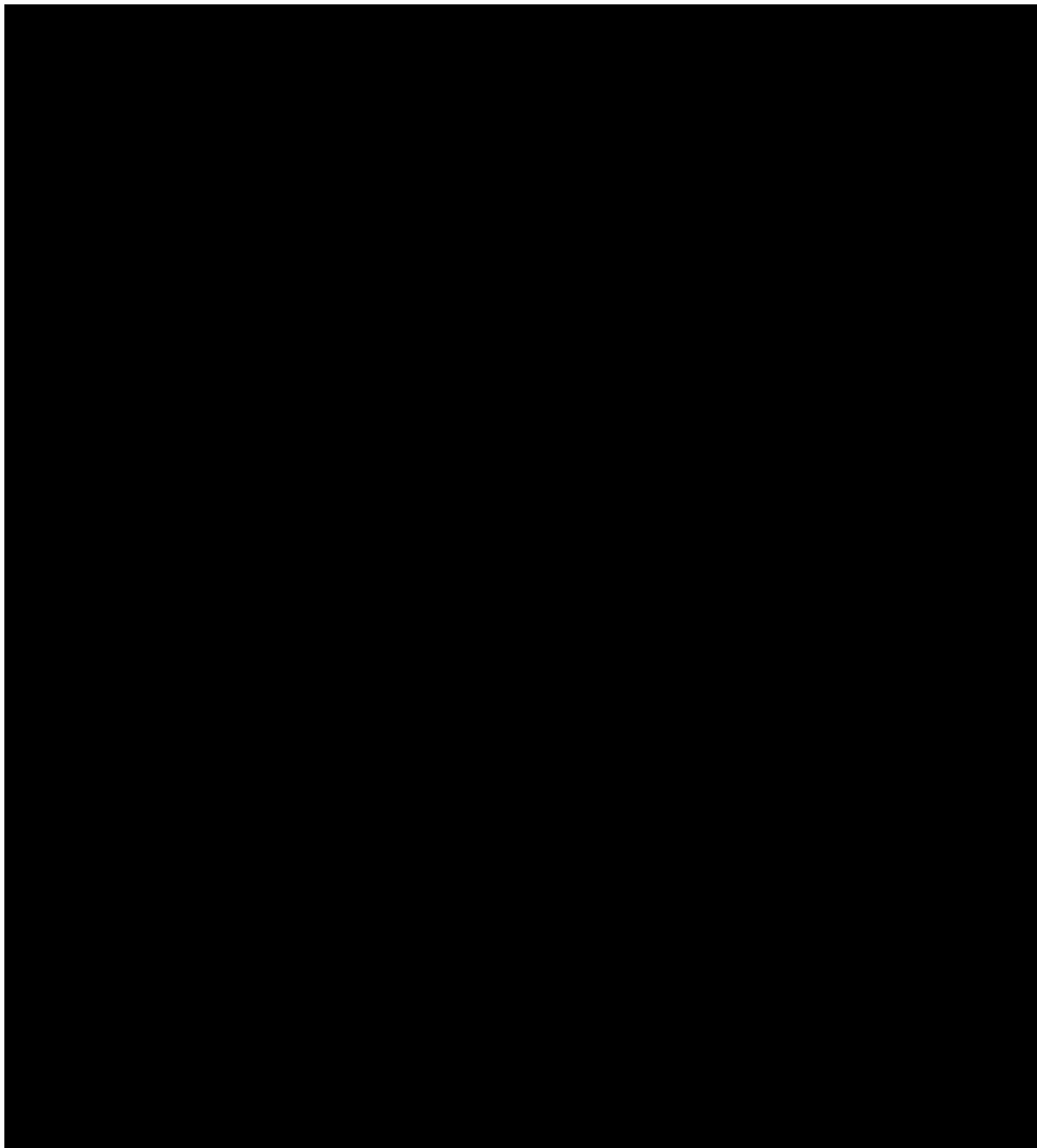
**DECLARATION AND DETERMINATION
PROBABLE CAUSE FOR WARRANTLESS ARREST**



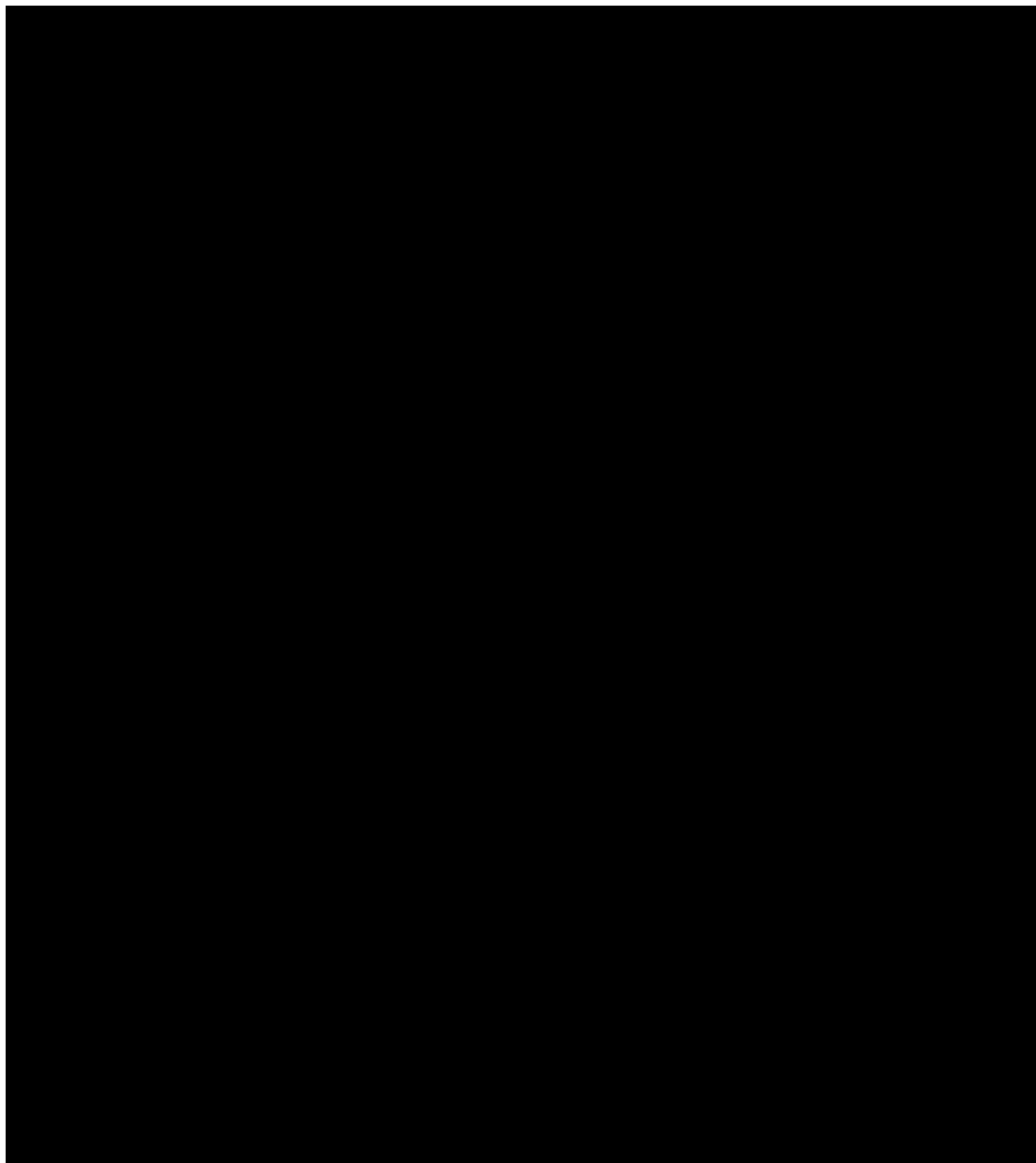
DECLARATION AND DETERMINATION CONTINUED:



**DECLARATION AND DETERMINATION
(PROBABLE CAUSE FOR WARRANTLESS ARREST)**



DEPARTMENT OF THE ARMY



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SP07815 H&D-22655/61 - 20001
ADMONISHMENT OF YOUR RIGHTS VI

Before you are asked any questions, you must understand your rights.

1. You have the right to say nothing. Do you understand?
☐ Yes ☐ No
2. Anything you say may be used against you in court. Do you understand?
☐ Yes ☐ No
3. You have the right to an attorney and to have an attorney present before and during questioning. Do you understand?
☐ Yes ☐ No
4. You have the right to a free court-appointed attorney if you cannot afford to pay for one. Do you understand?
☐ Yes ☐ No

WAIVER/INVOCATION

Do you want to talk about what happened?

ADVERTENCIA DE SUS DERECHOS

Antes de que le hagan cualquier pregunta, usted debe de entender sus derechos.

1. Usted tiene el derecho de no decir nada. ¿Entiende usted esto?
☐ Si ☐ No
2. Cualquier cosa que usted diga podrá ser usado en su contra en la corte. ¿Entiende usted esto?
☐ Si ☐ No
3. Usted tiene el derecho de tener un abogado y de tener un abogado presente antes y durante su interrogatorio. ¿Entiende usted esto?
☐ Si ☐ No
4. Usted tiene el derecho de tener un abogado sin costo asignado por la corte si no tiene los medios económicos para contratar a un abogado. ¿Entiende usted esto?
☐ Si ☐ No

RENUNCIA/PETICIÓN

¿Desea usted hablar de lo que sucedió?

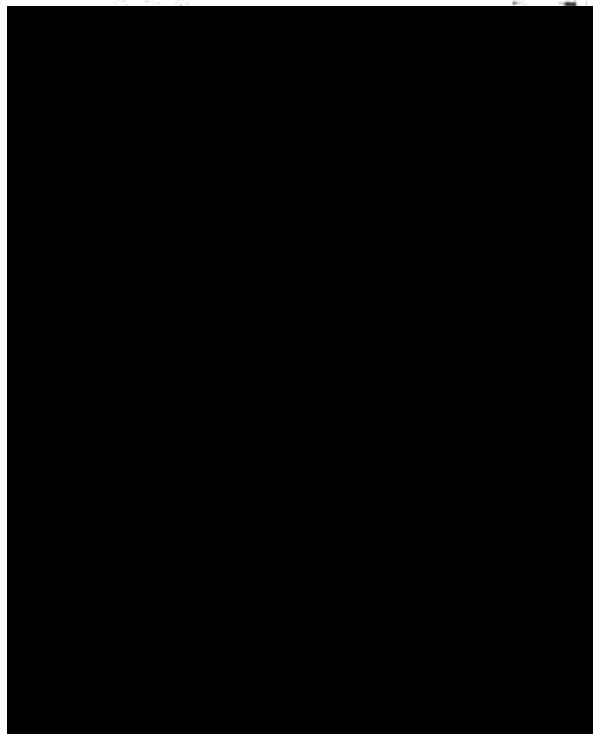
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U.S. DEPARTMENT OF THE INTERIOR



CRIME TIME REPORT

CRIME TYPE: _____

TIME: _____

LOCATION: _____

NUMBER OF SUSPECTS: _____

VEHICLE - COLOR, YEAR, MAKE, MODEL, BODY, ETC. _____

DIRECTION OF TRAVEL _____

RACE _____

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HAIR COLOR _____

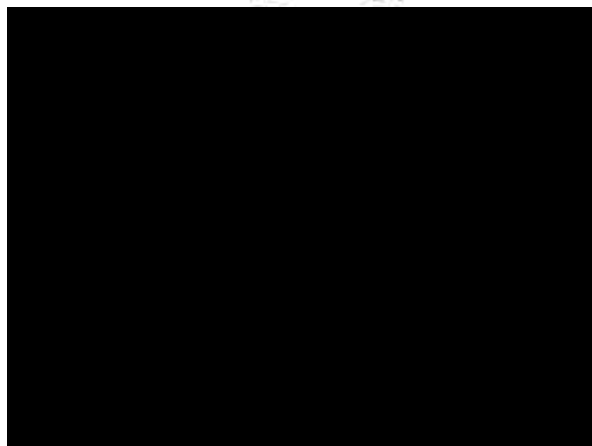
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ALL INFORMATION IS UNCLASSIFIED

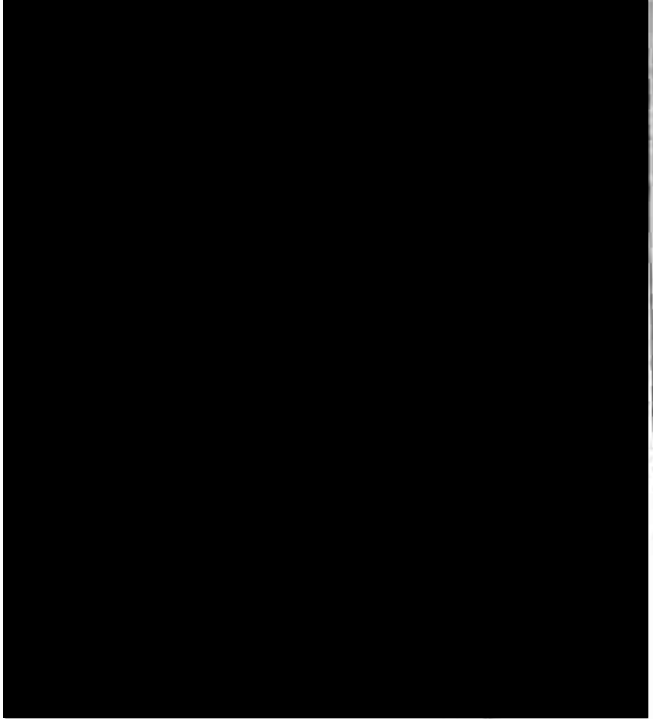


STATE OF ILLINOIS

COMPLAINANT _____
 TIME _____
 LOCATION _____
 NUMBER _____
 VEHICLE - CAR, TRUCK, BUS, etc. _____

CHARGE(S) _____
 NAME _____
 SEX _____
 AGE _____
 HT _____
 WT _____
 HAIR COLOR _____
 EYE COLOR _____
 BUILD _____
 MARKS _____

STATE OF ILLINOIS



HOT CRIME BROADCAST

CRIME TYPE/WEAPON _____

TIME _____

LOCATION _____

NUMBER OF SUSPECTS _____

VEHICLE - COLOR, YEAR, MAKE, MODEL, BODY, ETC. _____

DIRECTION/TRAVEL _____

RACE _____

SEX _____

AGE _____

HT _____

WT _____

HAIR COLOR _____

EYE COLOR _____

BUILD _____

HAIR LENGTH/STYLE _____

FACIAL HAIR _____

CLOTHING (TOP TO BOTTOM) _____

UNIQUE DESC-TT, SCARS, ETC. _____

LOSS _____

Date _____ 20 _____

CARLSBAD POLICE DEPARTMENT

#390 overlast 2 months

Officer _____ Badge _____

ALCOHOL TIME

CLASSIFICATION

TIME

LOCATION

NUMBER OF SUBJECTS

VEHICLE-CLASS, YEAR, MAKE, MODEL

DRIVER'S AGE

RACE

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ALCOHOL DEPARTMENT

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 Springer

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Figure 1

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Date _____

TABLE 1. *Mean (SD) values of the variables measured in the 1000 m and 1500 m races*

HOTEL MELOMADON

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ROOM NO.

VEHICLE-COLOR, YEAR

LOCATION, TIME

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DATE

AGE

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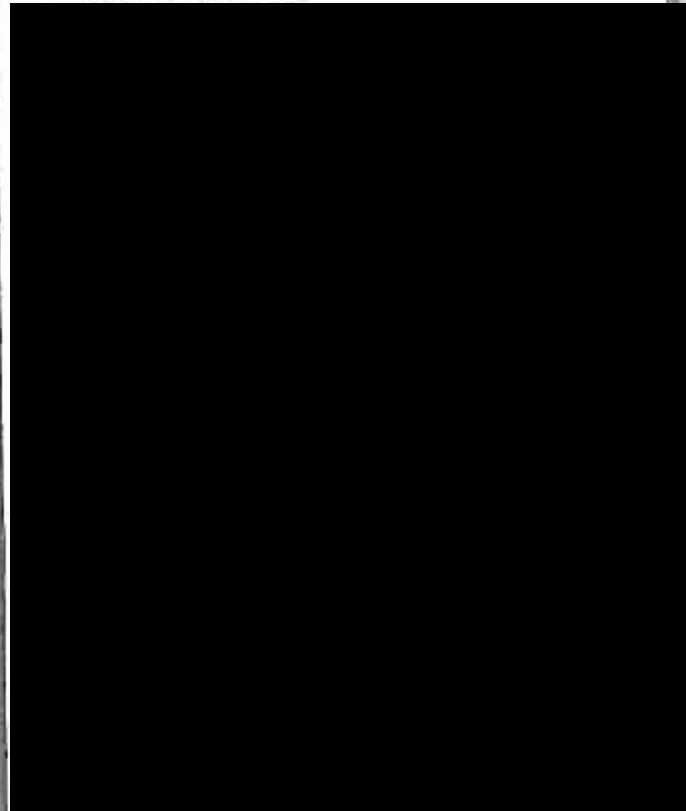
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STATE POLICE DEPARTMENT



DATE TIME OF ARREST

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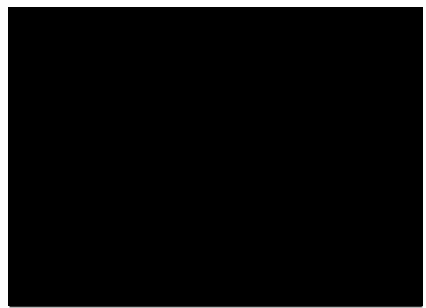
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Handwritten notes on a lined notepad. The text is mostly illegible due to blurring and fading. Some visible fragments include:

- Top line: "HIT ME" (possibly "HIT ME" or "HIT ME")
- Second line: "HIT ME" (possibly "HIT ME" or "HIT ME")
- Third line: "HIT ME" (possibly "HIT ME" or "HIT ME")
- Fourth line: "HIT ME" (possibly "HIT ME" or "HIT ME")
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CARLEBAD POLICE DEPARTMENT

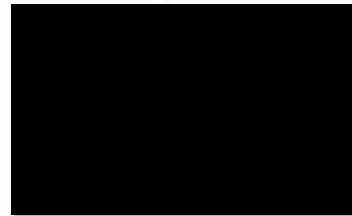


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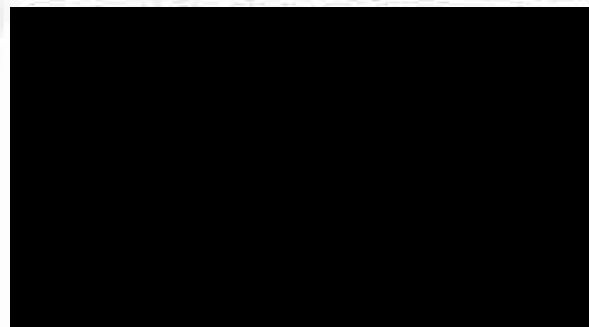
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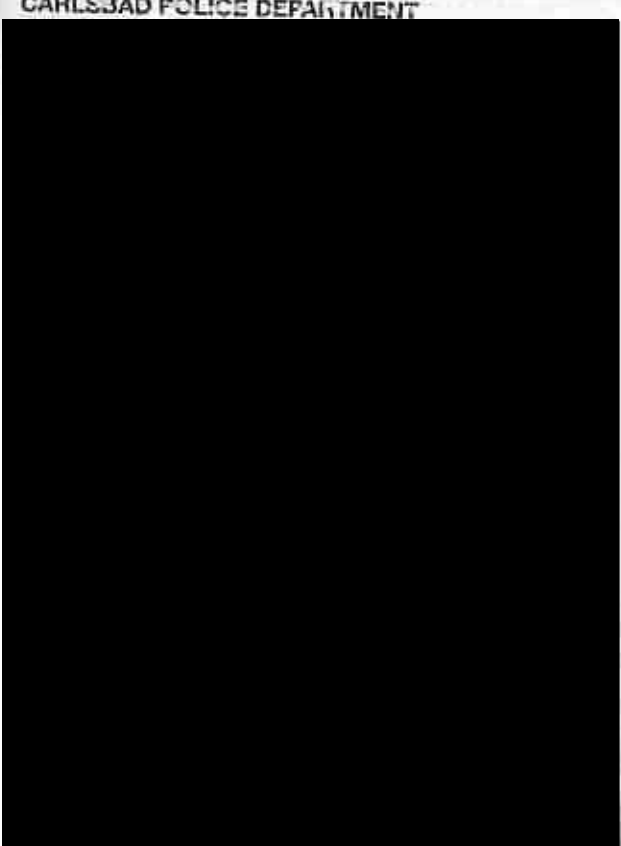
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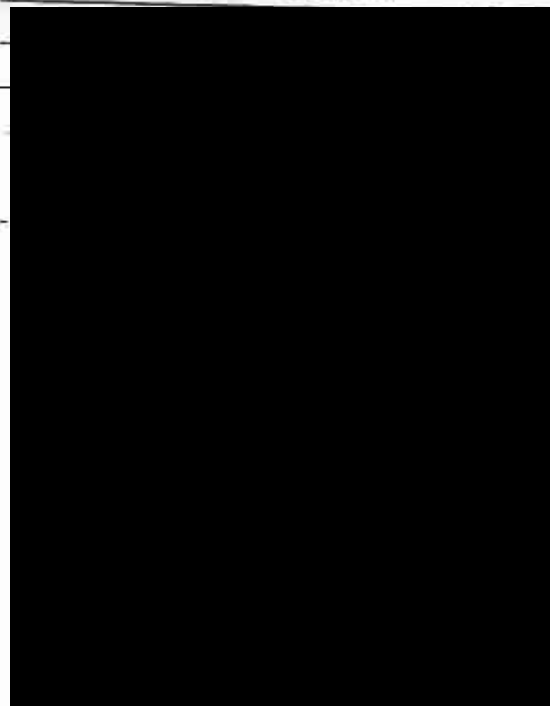
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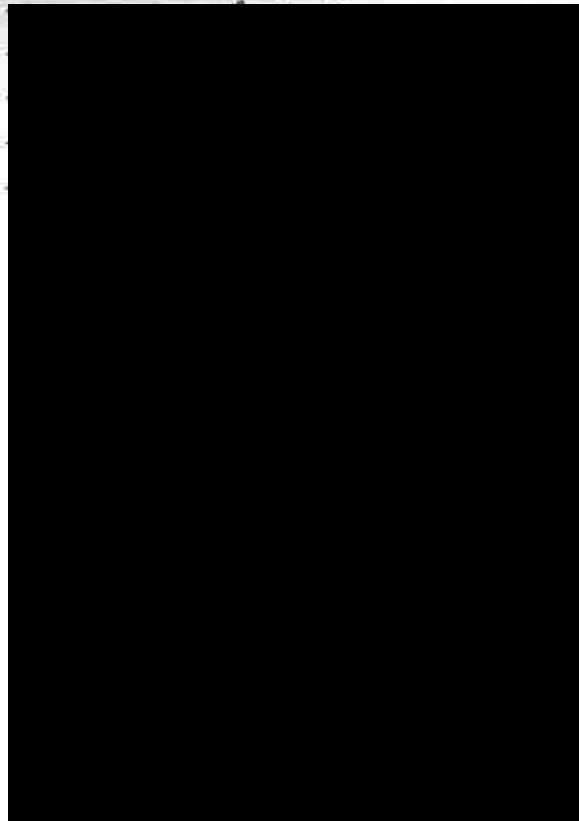
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CARLSBAD POLICE DEPARTMENT



HOT CRIME BROADCAST

CRIME TYPE/WEAPON _____

TIME _____

LOCATION _____

NUMBER OF SUSPECTS _____

VEHICLE - COLOR, YEAR, MAKE, MODEL, BODY, ETC.

DIRECTION/TRAVEL _____

RACE _____

SEX _____

AGE _____

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HAIR COLOR _____

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CARLSBAD POLICE DEPARTMENT

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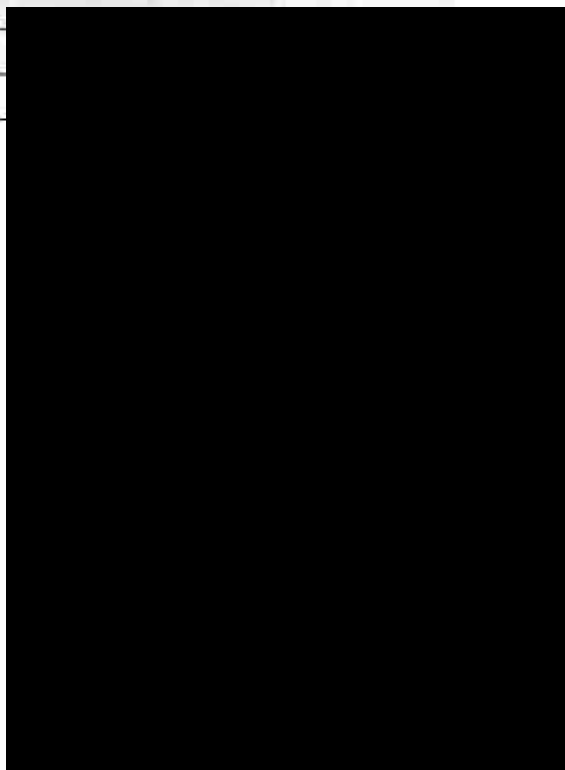
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CARLSBAD POLICE DEPARTMENT

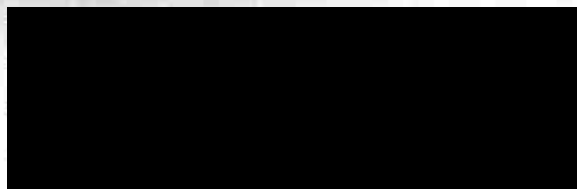


INVESTIGATION

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2. ADDRESS
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CARLSBAD POLICE DEPARTMENT



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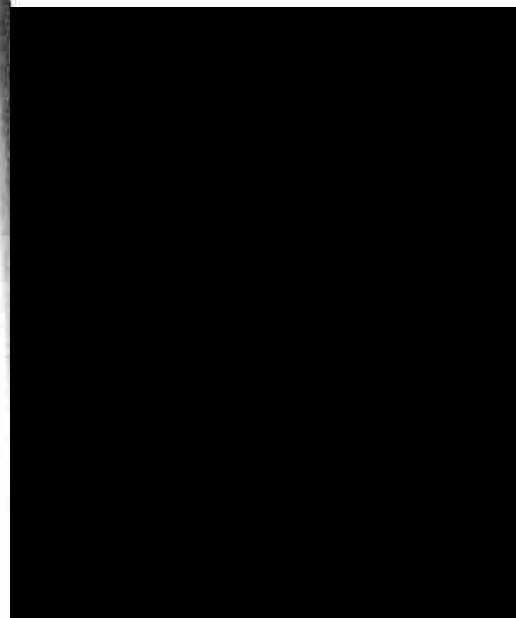
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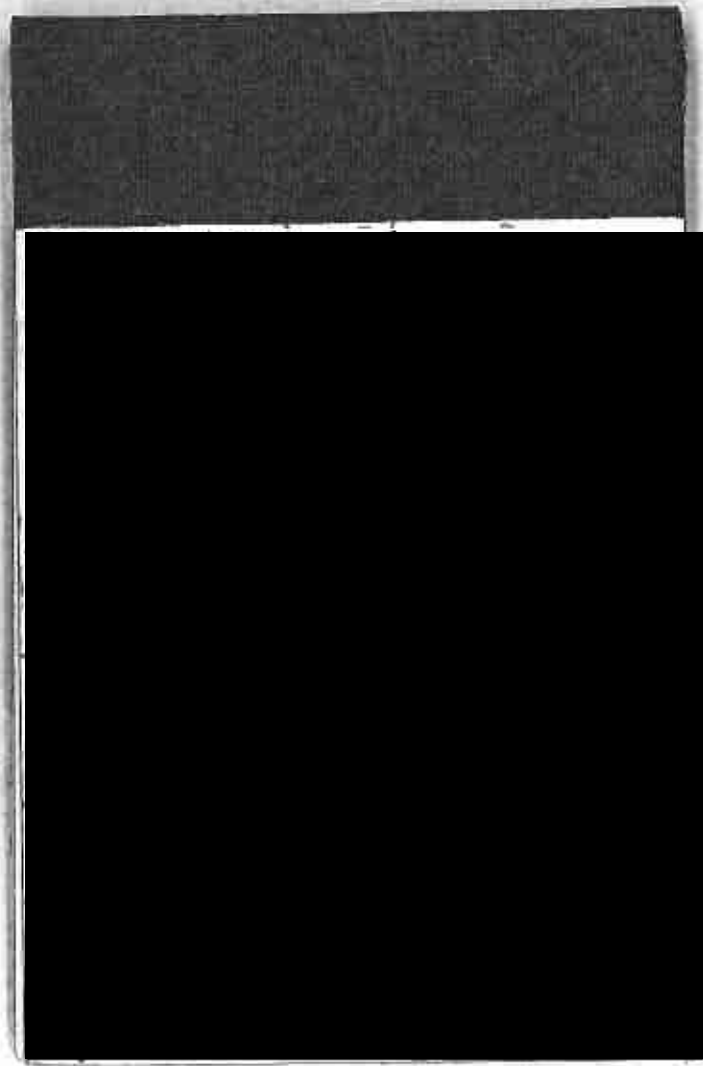
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ADMONISHMENT OF YOUR RIGHTS

Before you are asked any questions, you must understand your rights.

1. You have the right to say nothing. Do you understand?
☐ Yes ☐ No
2. Anything you say may be used against you in court. Do you understand?
☐ Yes ☐ No
3. You have the right to an attorney and to have an attorney present before and during questioning. Do you understand?
☐ Yes ☐ No
4. You have the right to a free court-appointed attorney if you cannot afford to pay for one. Do you understand?
☐ Yes ☐ No

WAIVER/INVOCATION

Do you want to talk about what happened?

ADVERTENCIA DE SUS DERECHOS

Antes de que le hagan cualquier pregunta, usted debe de entender sus derechos.

1. Usted tiene el derecho de no decir nada. ¿Entiende usted esto?
☐ Si ☐ No
2. Cualquier cosa que usted diga podrá ser usado en su contra en la corte. ¿Entiende usted esto?
☐ Si ☐ No
3. Usted tiene el derecho de tener un abogado y de tener un abogado presente antes y durante su interrogatorio. ¿Entiende usted esto?
☐ Si ☐ No
4. Usted tiene el derecho de tener un abogado sin costo asignado por la corte si no tiene los medios económicos para contratar a un abogado. ¿Entiende usted esto?
☐ Si ☐ No

RENUNCIA/PETICIÓN

¿Desea usted hablar de lo que sucedió?

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DATE TIME ADDRESS

CRIME TYPE/WEAPON

TIME

LOCATION

NUMBER OF SUSPECTS

VEHICLE - COLOR, MAKE, MODEL

DIRECTION/TRAVEL

RACE

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HAIR COLOR

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BUILD

SCARS, TATTOOS, ETC.

REMARKS

REPORT MADE BY

DATE

REPORT MADE BY



HOT TIME ROADWAY

COUNTY/STATE/ZIP

DATE

LOCATION

NUMBER OF

VEHICLE - COLOR

DIRECTION/TYPE

RACE

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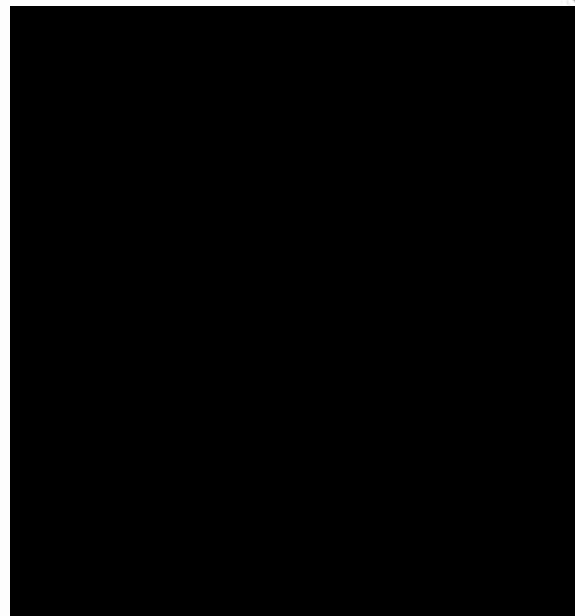
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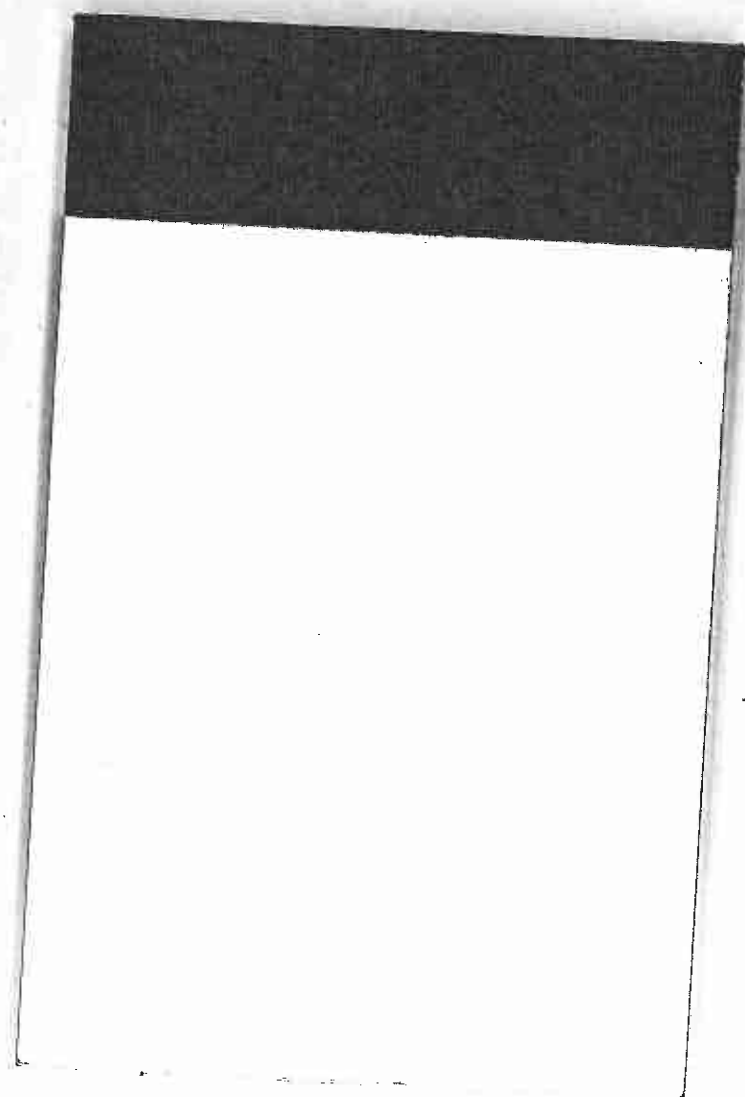
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ADMONISHMENT OF YOUR RIGHTS

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1. You have the right to say nothing. Do you understand?
☐ Yes ☐ No
2. Anything you say may be used against you in court. Do you understand?
☐ Yes ☐ No
3. You have the right to an attorney and to have an attorney present before and during questioning. Do you understand?
☐ Yes ☐ No
4. You have the right to a free court-appointed attorney if you cannot afford to pay for one. Do you understand?
☐ Yes ☐ No

WAIVER/INVOCATION

Do you want to talk about what happened?

ADVERTENCIA DE SUS DERECHOS

Antes de que le hagan cualquier pregunta, usted debe de entender sus derechos.

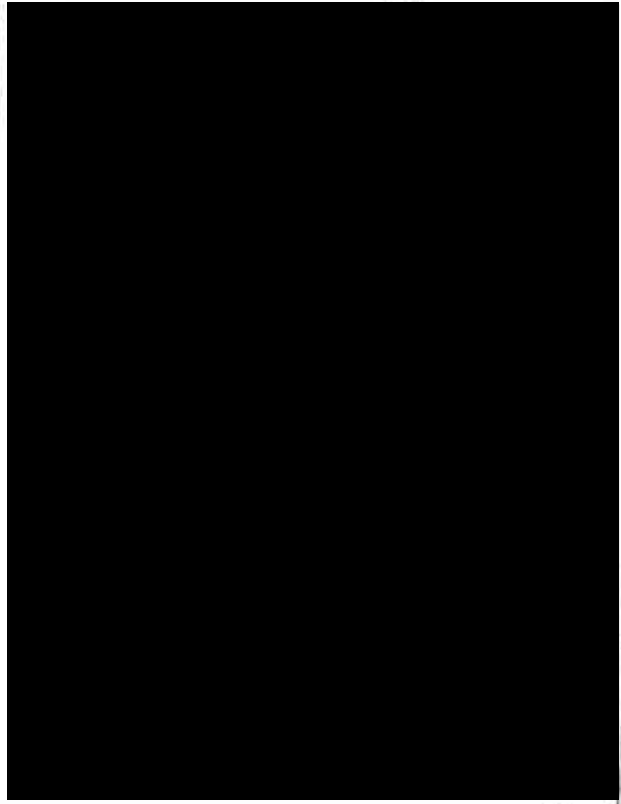
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☐ Si ☐ No
2. Cualquier cosa que usted diga podrá ser usado en su contra en la corte. ¿Entiende usted esto?
☐ Si ☐ No
3. Usted tiene el derecho de tener un abogado y de tener un abogado presente antes y durante su interrogatorio. ¿Entiende usted esto?
☐ Si ☐ No
4. Usted tiene el derecho de tener un abogado sin costo asignado por la corte si no tiene los medios económicos para contratar a un abogado. ¿Entiende usted esto?
☐ Si ☐ No

RENUNCIA/PETICIÓN

¿Desea usted hablar de lo que sucedió?



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NOTES ON THE INCIDENT

CRIME TYPE/WEAPON

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LOCATION

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VEHICLE - COLOR, YEAR, MAKE, M

DIRECTION OF TRAVEL

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STATEMENT



IDENTIFICATION PAGE

IDENTIFICATION PAGE

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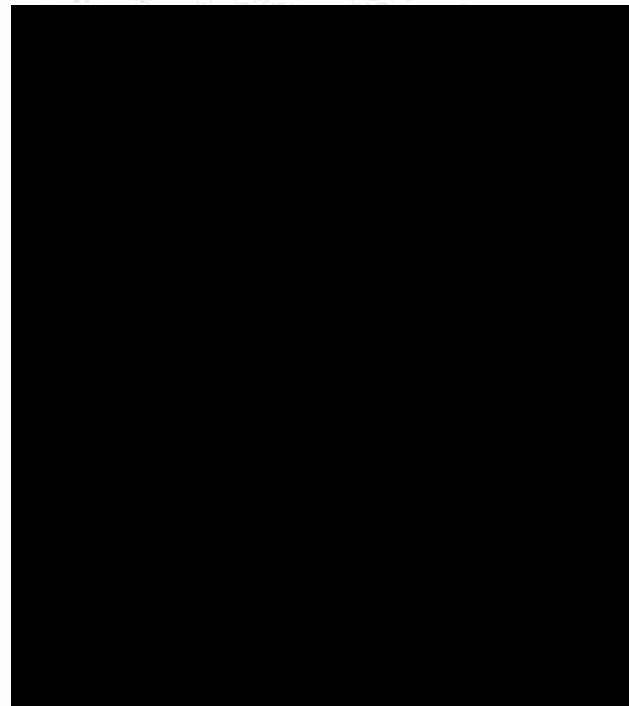
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ADDITIONAL INFORMATION



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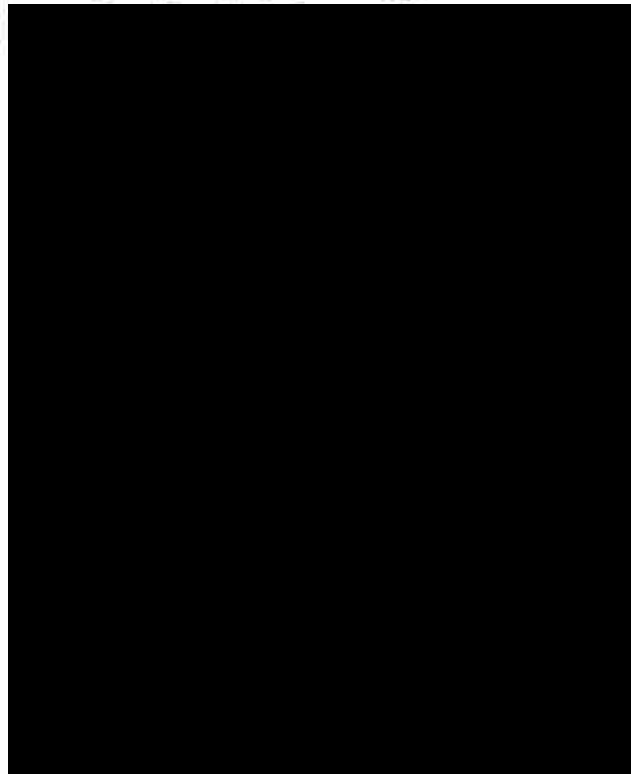
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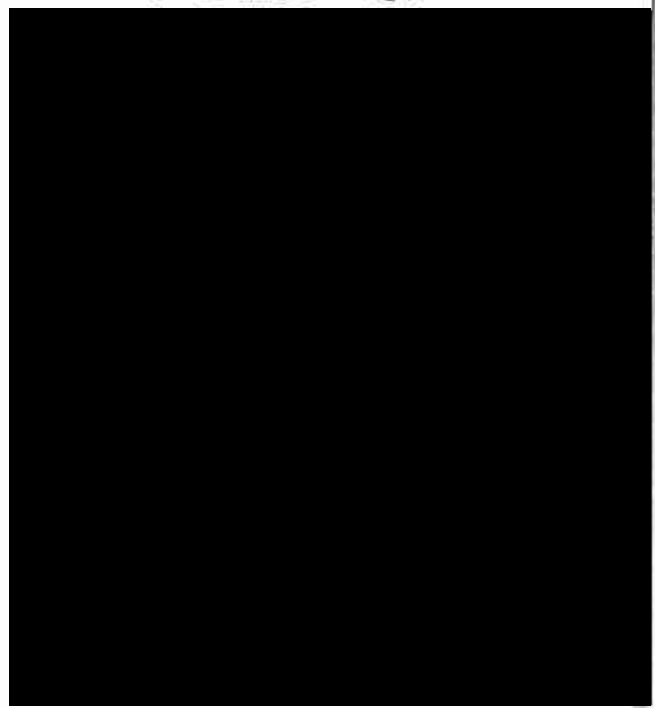
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CARLSBAD POLICE DEPARTMENT

MEMORANDUM

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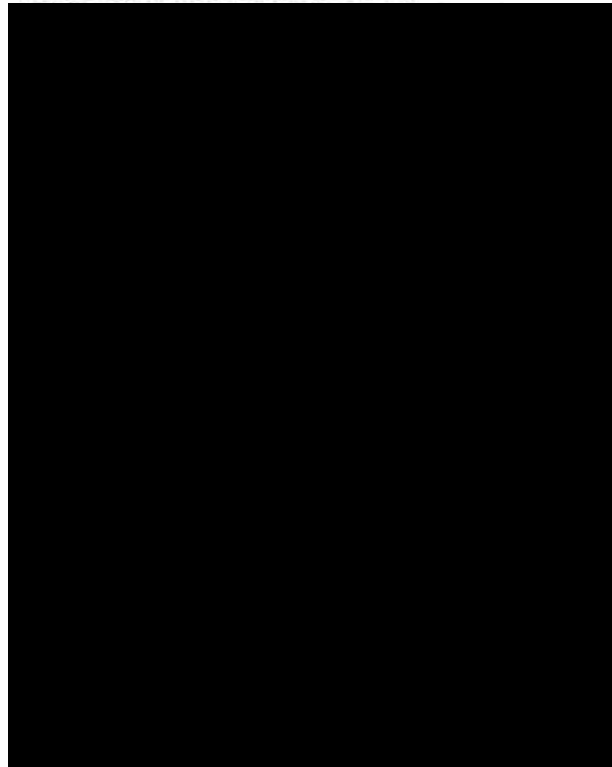
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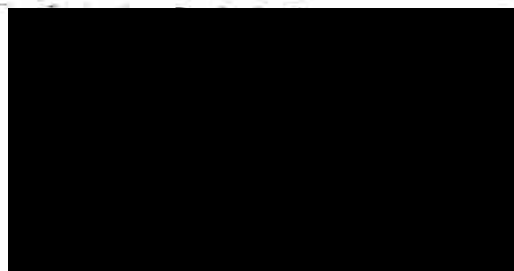
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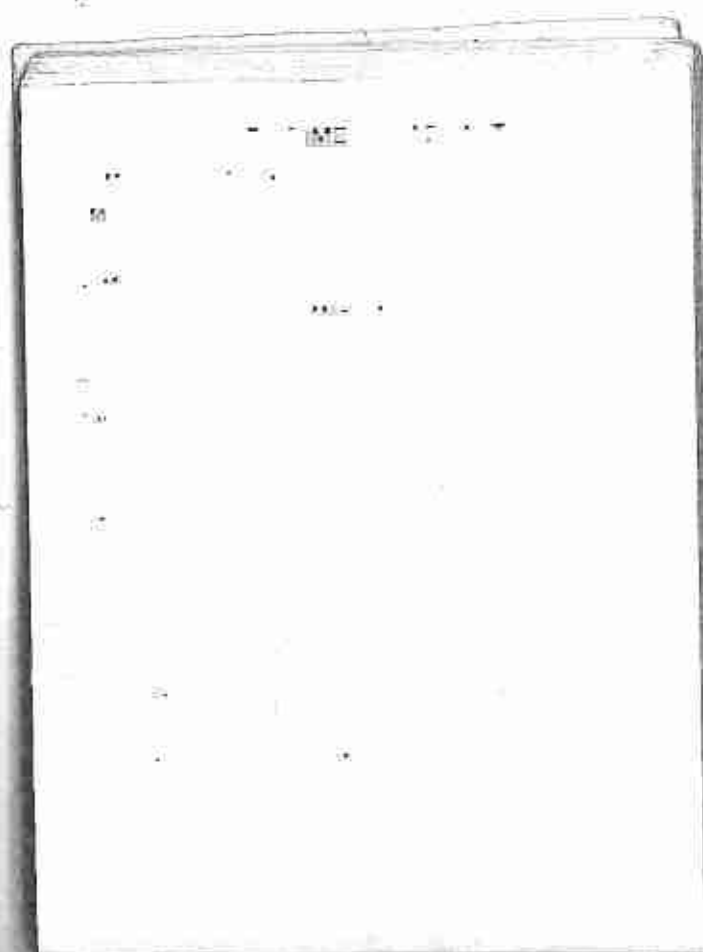
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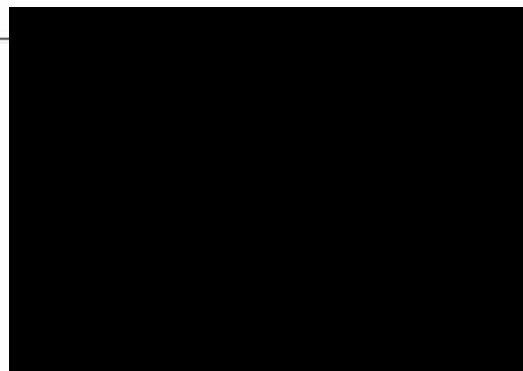
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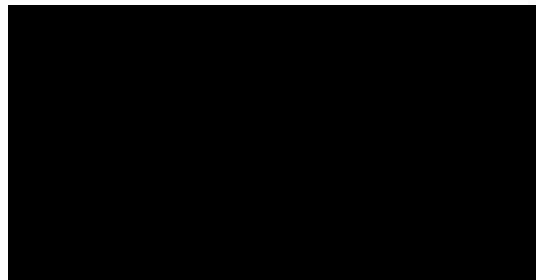
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CARLSBAD POLICE DEPARTMENT



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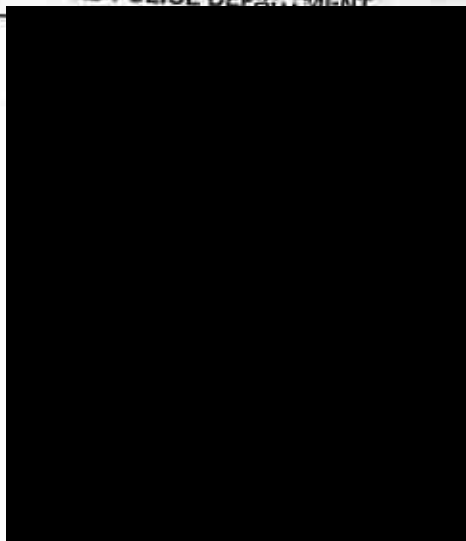
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CARLSBAD POLICE DEPARTMENT



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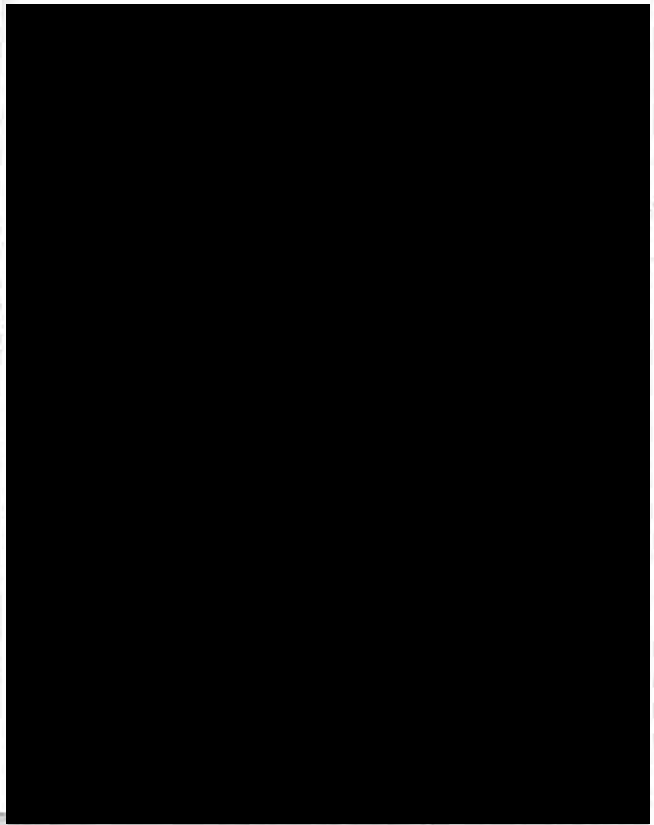
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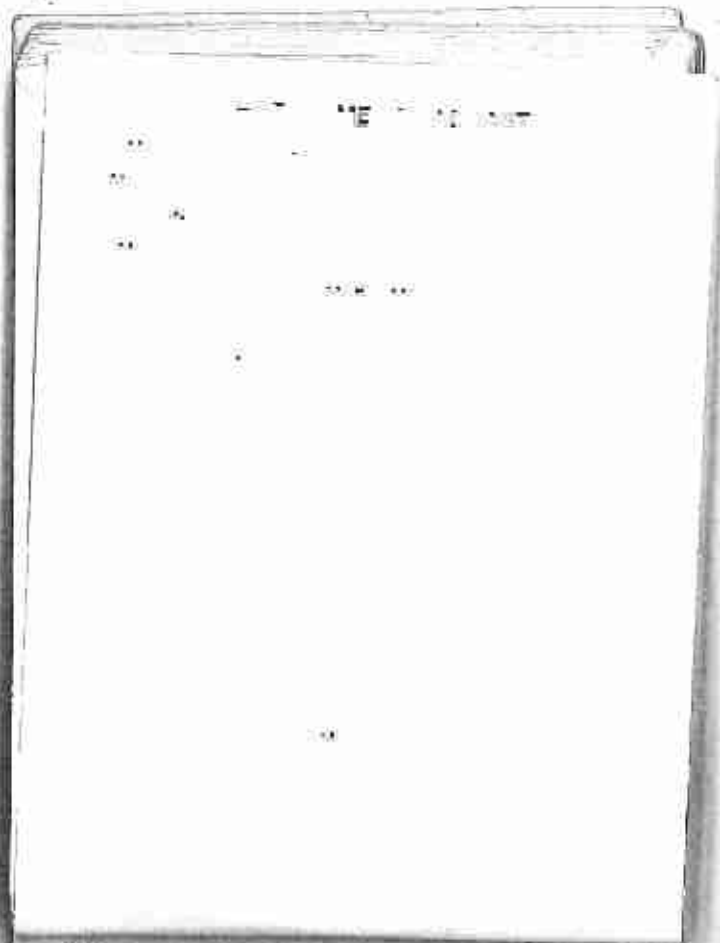
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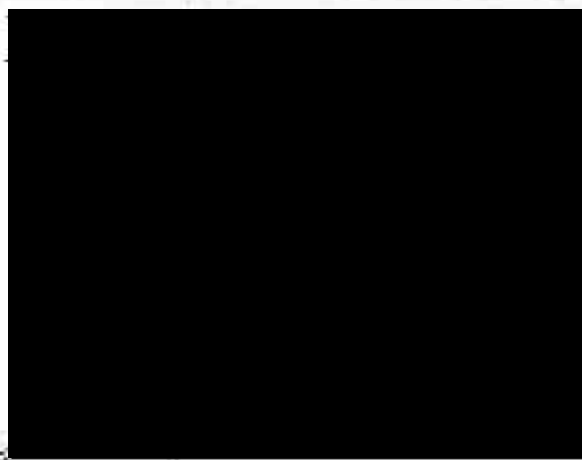
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CARLSBAD POLICE DEPARTMENT



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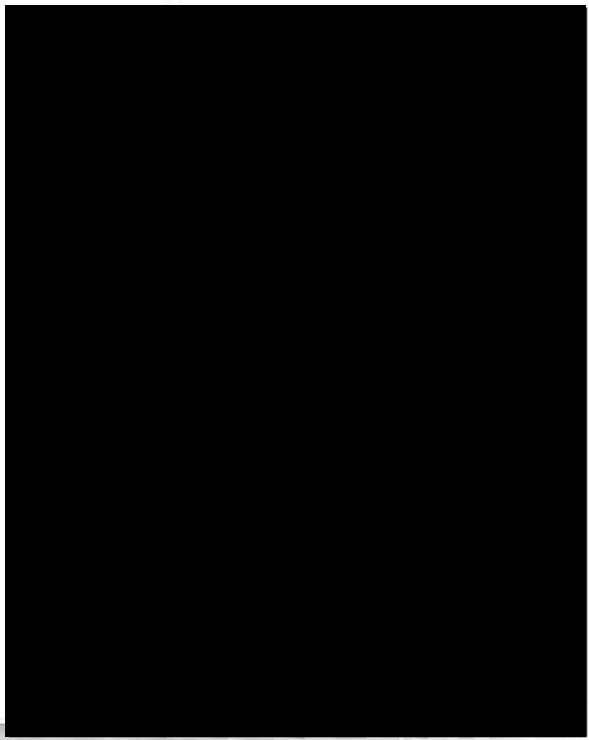
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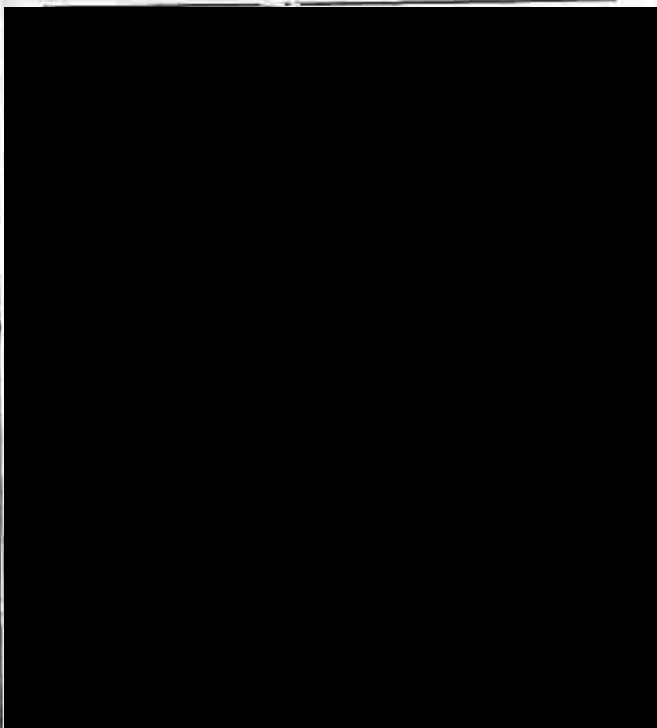
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CARLSBAD POLICE DEPARTMENT



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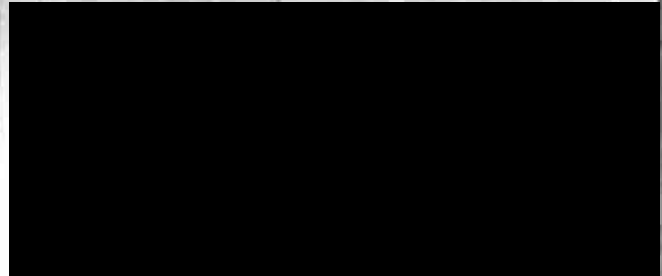
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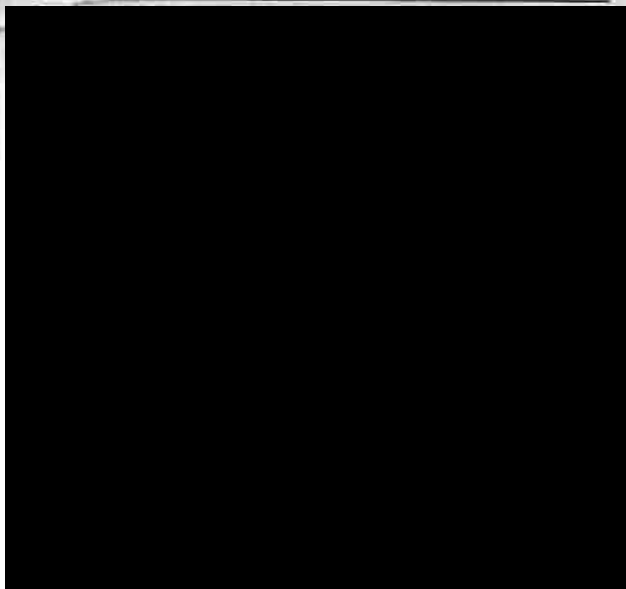
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CARLSBAD POLICE DEPARTMENT



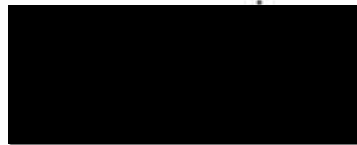


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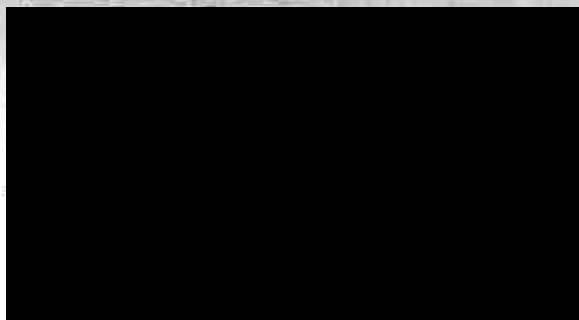
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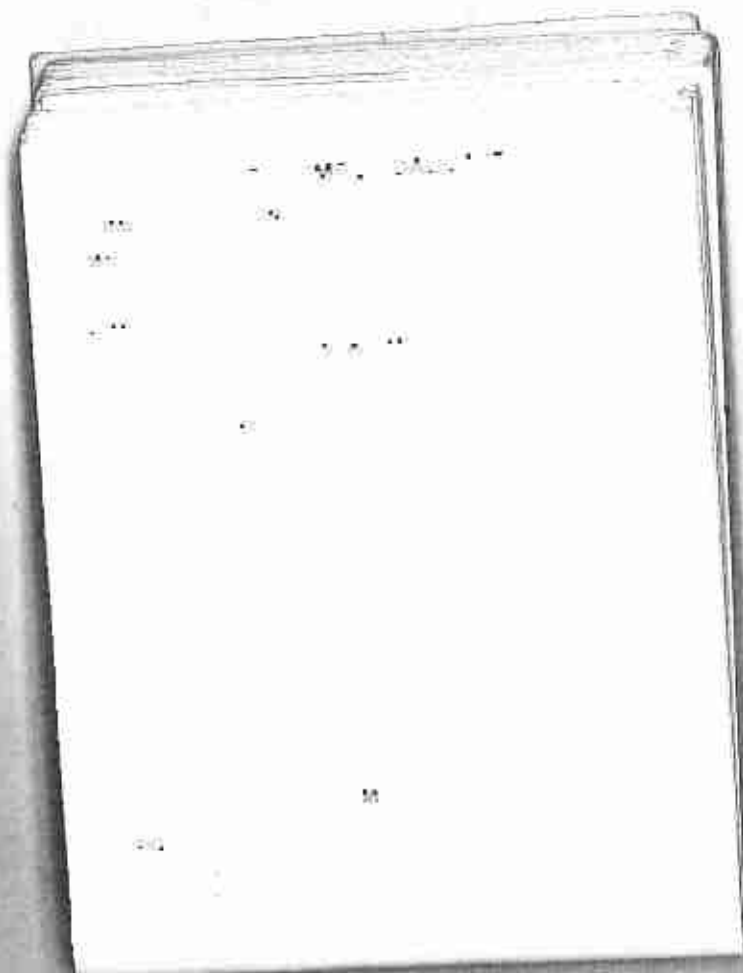


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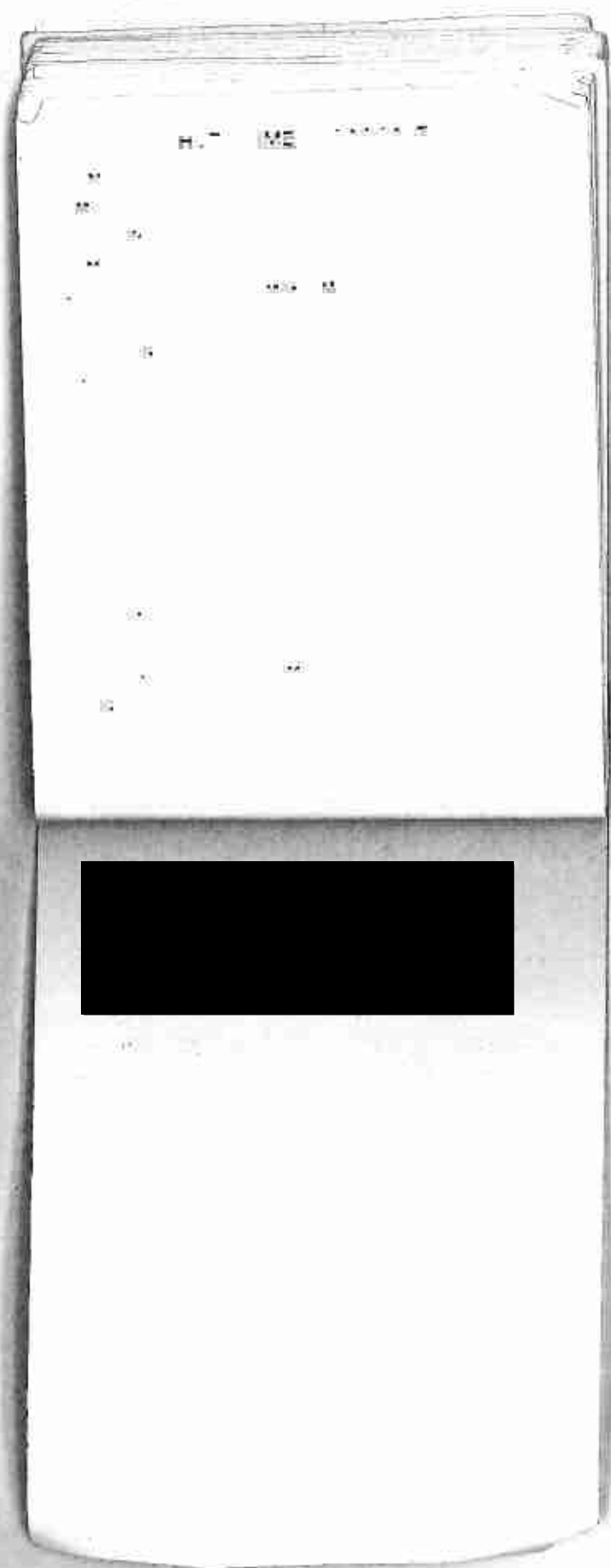
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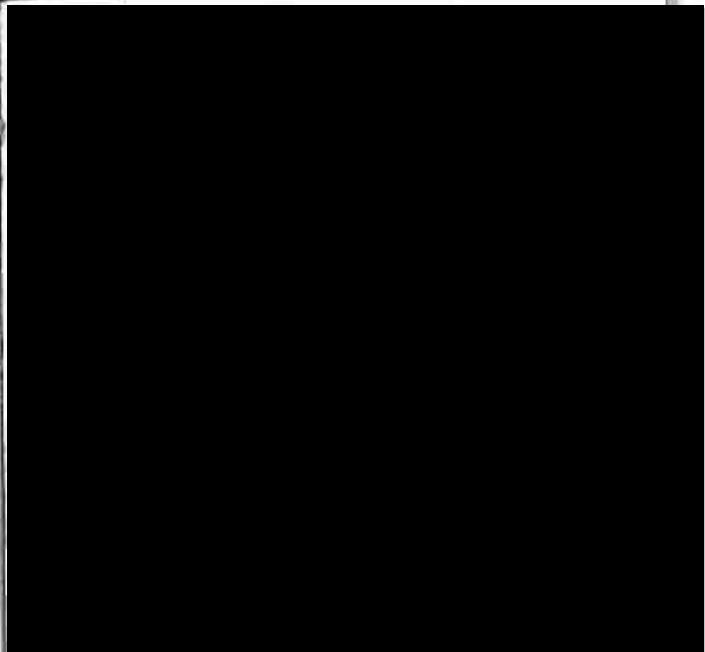
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CARLSBAD POLICE DEPARTMENT





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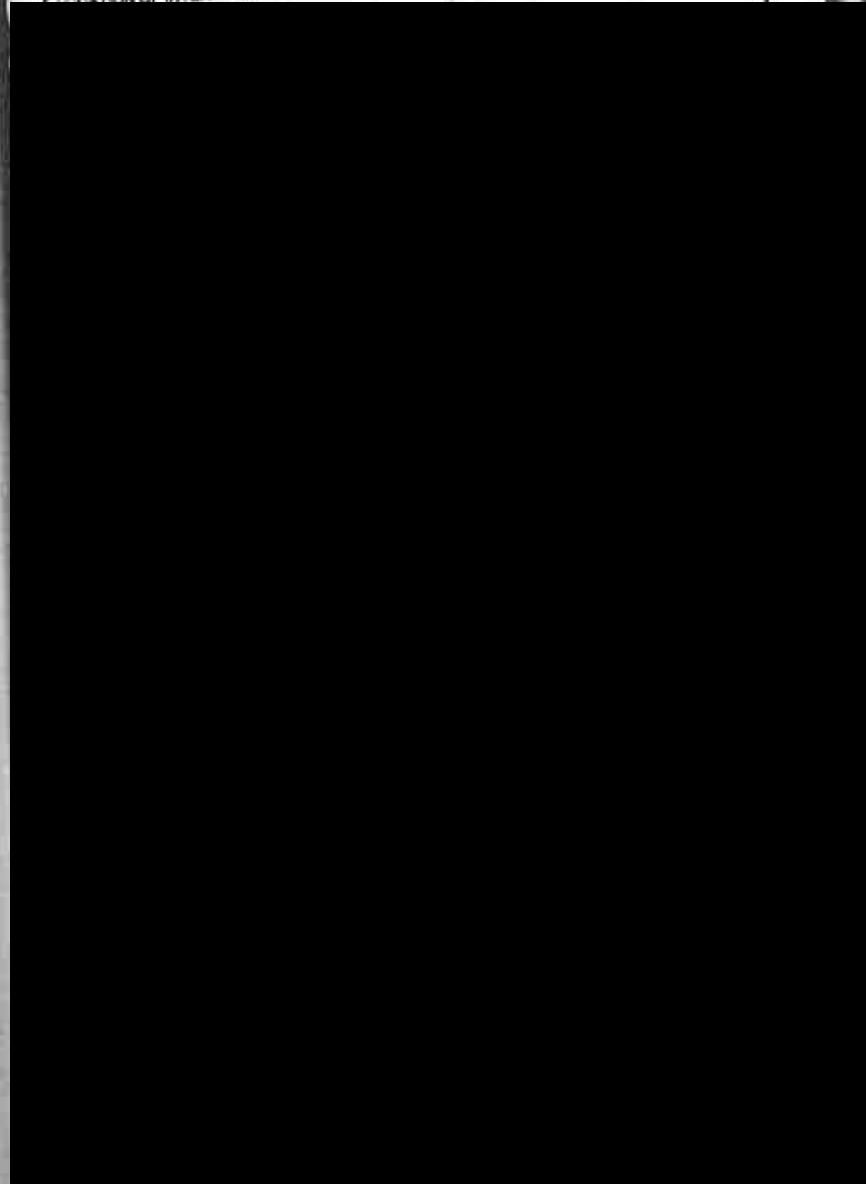
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Interviewer	Supervisor

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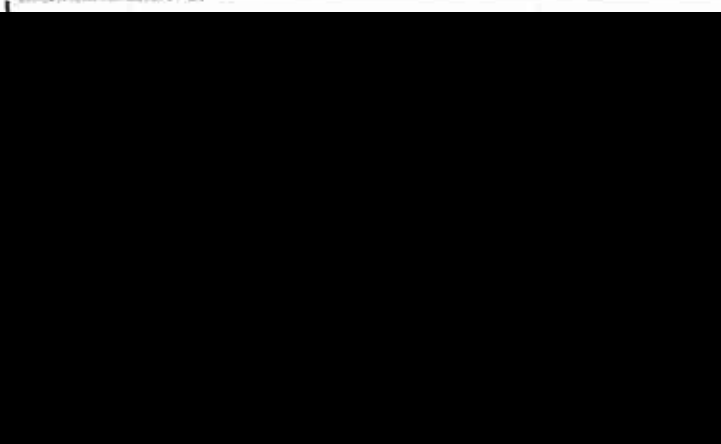
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**CARLSBAD POLICE DEPARTMENT
INTERNAL INVESTIGATION
Case #13-AI-08**

FINDINGS AND ADMINISTRATIVE INSIGHT

Introduction

On September 23, 2013, I was asked to review Internal Affairs Investigation #13-IA-08 by Capt. N. Gallucci and investigated by Sgt. M. Williams. I have reviewed the aforementioned investigation in its entirety, including all documentation, evidence, witness interviews, transcripts of interviews.

FINDINGS AND ADMINISTRATIVE INSIGHT

This investigation was conducted by Sergeant Mickey Williams after a complaint against Officer Taryn Sisco was made by Sergeant Jade Chase. At the time of receiving the complaint, Officer Taryn Sisco was assigned to the Patrol Division (E2) and reported to Sergeant Jade Chase and Richard Beronda. Sergeant Jade Chase outlined several department policies allegedly violated by Officer Taryn Sisco.

As to Officer T. Sisco, #5426:

Allegation 1

340.3.5 (i) PERFORMANCE

(i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

Analysis: On March 18, 2013, Officer S. Taryn testified in San Diego County Juvenile Court, under penalty of perjury regarding Carlsbad PD Case #13-1100. During testimony Officer Taryn Sisco was asked by the defense attorney if she took notes while conducting this investigation. Juvenile Court Reporter transcripts show Officer Taryn Sisco answered this question by saying "No." On September 9, 2013, Officer Taryn Sisco provided a statement to Sergeant M. Williams reference Carlsbad PD IA#13-IA-08. Officer Taryn Sisco stated in this interview, she did take

1 notes while conducting her investigation (#13-1100), and referred to these notes in her
2 assigned police vehicle before making corrections to her report as requested by Sergeant Jade
3 Chase. Officer Taryn Sisco has made repeated assertions throughout her interview with
4 Sergeant M. Williams that she took notes while conducting her investigation and referred to
5 these notes to complete her report. Refer to pages 22-28 of Officer Taryn Sisco's interview with
6 Sergeant M. Williams.

7
8 **Findings: Sustained**
9

10 **Allegation 2**

11 **340.3.5 (o) PERFORMANCE**

12 (o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the
13 employee/employer relationship, whether on-or off-duty
14

15 **Analysis:** See analysis for Allegation 1 for details
16

17 **Finding: Sustained**
18

19 **Allegation 3**

20 **340.3.5 (p) PERFORMANCE**

21 (p) Failure to disclose or misrepresenting material facts, or the making of any false or
22 misleading statement on any application, examination form, or other official document, report
23 or form or during the course of any work-related investigations.
24

25 **Analysis:** See analysis for Allegation 1 for details
26

27 **Finding: Sustained**
28

29 **Allegation 4**

30 **340.3.5 (aa) PERFORMANCE**

31 (aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should
32 know is unbecoming a member of the Department or which is contrary to good order,
33 efficiency or morale, or which tends to reflect unfavorably upon the Department or its
34 members.
35

36 **Analysis:** See analysis for Allegation 1 for details
37

38 **Finding: Sustained**
39

40 **Allegation 5**

41
42 **340.3.5 (ad) PERFORMANCE**

(ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

Analysis: See analysis for Allegation 1 for details

Finding: Sustained

Allegation 6

340.3.5 (m) PERFORMANCE

(m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.


Analysis: See analysis for Allegation 1 for details


Finding: Sustained

ADMINISTRATIVE INSIGHT


None noted

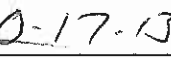
Submitted by:

 #5200
Lieutenant P. Pascual, #5200,
Patrol Watch Commander

 10/6/13
Date

Approved by:

 10-17-13
Captain N. Gallucci, #5194,
Patrol Operations Division

 10-17-13
Date



CITY OF
CARLSBAD
Police Department

Confidential Memorandum

June 26th, 2013

TO: Officer Burns

FROM: Sergeant Williams
Professional Standards and Services Division

RE: **INTERNAL AFFAIRS INVESTIGATION 13-IA-08**

This is to inform you that a complaint has been received against an officer of this department and you have been identified as a potential witness. Due to the nature of the complaint you will be interviewed to determine if you can provide any relevant information. I have scheduled your interview for Thursday, June 26th, 2013 at 1630 hours in my office.

Even though you are not the subject of this investigation, you will be allowed to have a representative of your choice present during your interview if you desire. Your representative may be an attorney, a member of the Police Association, or anyone else not connected with this investigation. If your representative is not an attorney, you **must** notify me who you would like to represent you **prior** to contacting them or discussing this investigation with them. This will ensure that the person selected is not connected to this investigation. Should you have any questions or concerns contact me.

On behalf of the Chief of Police, I am officially ordering you of the following: Do not discuss this investigation or the allegations with anyone other than your representative, legal counsel, medical or mental health professionals, family members or clergy. This includes but is not limited to, any conversation either in person, by telephone, or any written or electronic communication, either on or off duty. Your failure to abide by this order will be deemed insubordination, pursuant to Carlsbad Police Department Policy § 340.3.5(e) - Performance, and may result in discipline, up to and including termination. CS (Initial)

I have received a copy of this memorandum and I agree to comply with the orders issued.

Signed: _____

Date: 06-26-13

INTERVIEW ADMONITION FOR PEACE OFFICERS

WITNESS

START RECORDING

I am Sergeant Williams and I am the officer in charge of this investigation for the Carlsbad Police Department.

Today's date is June 26th, 2013. The current time is 1625.

We are in my office at the Carlsbad Police station.

- ☐ No one will be assisting me with this interview today.
☒ Sergeant Jackowski is also present and will be assisting with this interview.

Present at this interview is Officer Casey Burns.

- ☒ Sergeant Kevin Lehan is also present and is being permitted to act as your representative.
☐ Are (both of) you aware that representation at this point is not an afforded right under the Peace Officer's Bill of Rights because you are a witness officer? A: _____.

This interview is being recorded.

The purpose of this interview is to discuss an allegation of misconduct by an officer of this department on February 20th, 2013 related to the investigation of a shoplifting incident.

Today's questioning concerns administrative matters relating to the official business of the Carlsbad Police Department. On behalf of the Chief of Police, I now order you to answer my questions completely and truthfully. If at any point I determine your involvement is more than that of a witness, I will stop the interview and we will reschedule for a later time wherein you will be provided with all the rights afforded to an accused officer per the Peace Officer Bill of Rights.

Q: Officer Burns, do you understand what I just read to you? A: yes I do

Q. Do you have any questions regarding what I read? A: no

BEGIN QUESTIONING

I have no further questions at this time. On behalf of the Chief of Police, I am ordering (both of) you not to disclose anything we discussed during this interview or anything regarding this investigation with anyone other than your representative, legal counsel, medical or mental health professionals, family members or clergy.

Disclosure of anything we discussed during this interview would be considered insubordination and by itself would subject you to disciplinary action, up to and including termination. Officer Burns, do you understand?

A: yes

This order will remain in effect indefinitely due to the nature of the investigation.

This concludes the interview. The time now is 1631.

STOP RECORDING



CITY OF
CARLSBAD
Police Department

Confidential Memorandum

July 24th, 2013

TO: Officer Sisco

FROM: Sergeant Williams
Professional Standards and Services Division

RE: **INTERNAL AFFAIRS INVESTIGATION 13-IA-08**

An administrative investigation is currently being conducted into events which allegedly occurred on 2-20-13. It is alleged that you possibly authored a false, misleading, or inaccurate police report. It is also alleged that you possibly provided false information while testifying in a court hearing, under oath, subject to the penalty of perjury.

On behalf of the Chief of Police, I am ordering you to report to my office on August 6th, 2013 at 1030 hours to answer questions relating to this investigation. Failure to appear will be considered an act of insubordination and can be an independent basis for disciplinary action, up to and including dismissal. This interview time will follow the pre-planned Skelly meeting you have scheduled with Chief Morrison regarding 13-IA-07. If your Skelly meeting with Chief Morrison does not conclude before 1030 hours, this interview will be delayed until after the Skelly meeting concludes.

I will be the fact-finder in this investigation. Officer Calderwood and I will be interviewing you.

The investigative interview will be recorded. You will have access to the recording if any further proceedings are contemplated or prior to any further investigative interview at a subsequent time. You have the right to bring your own recording device and record any and all aspects of the investigative interview.

You have the right to be represented by a representative of your choice who may be present at all times during the investigative interview. This representative shall not be a person subject to the same investigation. If your representative is not an attorney, you must notify me who you would like to represent you prior to contacting them or discussing this investigation with them. This will ensure that the person selected is not connected to this investigation.

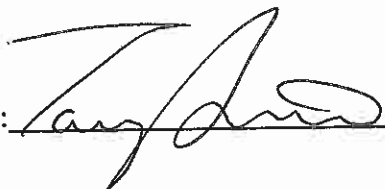
RE: INTERNAL AFFAIRS INVESTIGATION 13-IA-08

You are ordered not to discuss this investigation or its subject matter with anyone other than your representative, legal counsel, medical or mental health professionals, family members or clergy.

Failure to comply fully with the provision of this notice shall be deemed an act of insubordination, and may result in disciplinary action, up to and including dismissal.

I have received a copy of this memorandum and I agree to comply with the orders issued.

Signed: _____

A handwritten signature in black ink, appearing to be "Tang" followed by a stylized surname, written over a horizontal line.

Date: 07-23-13



CITY OF
CARLSBAD
Police Department

Confidential Memorandum

August 8th, 2013

TO: Sergeant Chase

FROM: Sergeant Williams
Professional Standards and Services Division

RE: **INTERNAL AFFAIRS INVESTIGATION 13-IA-08**

This is to inform you that a complaint has been received against an officer of this department and you have been identified as a potential witness. Due to the nature of the complaint you will be interviewed to determine if you can provide any relevant information. I have scheduled your interview for Thursday, August 15th, 2013 at 1500 hours in my office.

Even though you are not the subject of this investigation, you will be allowed to have a representative of your choice present during your interview if you desire. Your representative may be an attorney, a member of the Police Association, or anyone else not connected with this investigation. If your representative is not an attorney, you **must** notify me who you would like to represent you **prior** to contacting them or discussing this investigation with them. This will ensure that the person selected is not connected to this investigation. Should you have any questions or concerns contact me.

On behalf of the Chief of Police, I am officially ordering you of the following: Do not discuss this investigation or the allegations with anyone other than your representative, legal counsel, medical or mental health professionals, family members or clergy. This includes but is not limited to, any conversation either in person, by telephone, or any written or electronic communication, either on or off duty. Your failure to abide by this order will be deemed insubordination, pursuant to Carlsbad Police Department Policy § 340.3.5(e) - Performance, and may result in discipline, up to and including termination. *JS* (Initial)

I have received a copy of this memorandum and I agree to comply with the orders issued.

Signed: _____

A handwritten signature in black ink, appearing to be "J. Williams", written over a horizontal line.

Date: _____

8/8/13



CITY OF
CARLSBAD
Police Department

Confidential Memorandum

August 8th, 2013

TO: Officer Sisco

FROM: Sergeant Williams
Professional Standards and Services Division

RE: **INTERNAL AFFAIRS INVESTIGATION 13-IA-08**

An administrative investigation is currently being conducted into events which allegedly occurred on 2-20-13. It is alleged that you possibly authored a false, misleading, or inaccurate police report. It is also alleged that you possibly provided false information while testifying in a court hearing, under oath, subject to the penalty of perjury.

As a result of the meeting between you, your attorney, and me on August 6th, 2013, your interview has been rescheduled for September 3rd, 2013, at 0900 hours, at the Human Resources Department for the City of Carlsbad. This decision to reschedule your interview was a courtesy to you and your attorney. Your attorney mentioned the desire to obtain a copy of a transcript associated with your court testimony in this case. It is my understanding that you are not entitled to this transcript prior to your interview relating to this internal affairs investigation. As a result, regardless of your attorney's ability to obtain said transcript, you will be interviewed on September 3rd, 2013 at 0900 hours, regarding this investigation.

On behalf of the Chief of Police, I am ordering you to report to the Human Resources Department located at 1635 Faraday Avenue, Carlsbad, on September 3rd, 2013 at 0900 hours to answer questions relating to this investigation. Failure to appear will be considered an act of insubordination and can be an independent basis for disciplinary action, up to and including dismissal.

I will be the fact-finder in this investigation. Officer Calderwood and I will be interviewing you. If Officer Calderwood is not available for this interview, Sergeant Jackowski will assist me with this interview. There will not be more than two interviewers involved in this interview.

The investigative interview will be recorded. You will have access to the recording if any further proceedings are contemplated or prior to any further investigative interview at a subsequent time. You have the right to bring your own recording device and record any and all aspects of the investigative interview.

RE: INTERNAL AFFAIRS INVESTIGATION 13-IA-08

You have the right to be represented by a representative of your choice who may be present at all times during the investigative interview. This representative shall not be a person subject to the same investigation. If your representative is not an attorney, you must notify me who you would like to represent you prior to contacting them or discussing this investigation with them. This will ensure that the person selected is not connected to this investigation.

You are ordered not to discuss this investigation or its subject matter with anyone other than your representative, legal counsel, medical or mental health professionals, family members or clergy.

Failure to comply fully with the provision of this notice shall be deemed an act of insubordination, and may result in disciplinary action, up to and including dismissal.

I have received a copy of this memorandum and I agree to comply with the orders issued.

Signed:  Date: 08-08-13

INTERVIEW ADMONITION FOR PEACE OFFICERS

WITNESS

START RECORDING

I am Sergeant Williams and I am the officer in charge of this investigation for the Carlsbad Police Department.

Today's date is August 15th, 2013. The current time is 1507.

We are in my office at the Carlsbad Police station.

☒ No one will be assisting me with this interview today.

☒ Off. ALDERWOOD is also present and will be assisting with this interview.

Present at this interview is Sergeant Jade Chase.

☐ N/A is also present and is being permitted to act as your representative.

☐ Are (both of) you aware that representation at this point is not an afforded right under the Peace Officer's Bill of Rights because you are a witness officer? A: _____.

This interview is being recorded.

The purpose of this interview is to discuss an allegation of misconduct by an officer of this department on February 20th, 2013 related to the investigation of a shoplifting incident.

Today's questioning concerns administrative matters relating to the official business of the Carlsbad Police Department. On behalf of the Chief of Police, I now order you to answer my questions completely and truthfully. If at any point I determine your involvement is more than that of a witness, I will stop the interview and we will reschedule for a later time wherein you will be provided with all the rights afforded to an accused officer per the Peace Officer Bill of Rights.

Q: Sergeant Chase, do you understand what I just read to you? A: YES I DO

Q. Do you have any questions regarding what I read? A: NO

BEGIN QUESTIONING

I have no further questions at this time. On behalf of the Chief of Police, I am ordering (both of) you not to disclose anything we discussed during this interview or anything regarding this investigation with anyone other than your representative, legal counsel, medical or mental health professionals, family members or clergy.

Disclosure of anything we discussed during this interview would be considered insubordination and by itself would subject you to disciplinary action, up to and including termination. Sergeant Chase, do you understand?

A: yes

This order will remain in effect indefinitely due to the nature of the investigation.

This concludes the interview. The time now is 1519.

STOP RECORDING

INTERROGATION ADMONITION FOR PEACE OFFICERS

POTENTIAL CRIMINAL ACTION

START RECORDING

I am Sergeant Williams and I am the officer in charge of this investigation for the Carlsbad Police Department. We are in a meeting room at the City of Carlsbad Human Resources Department.

- ☐ No one will be assisting me with this interrogation today.
☒ Officer Calderwood is also present and will be assisting with this interrogation.

Today's date is September 3rd, 2013. The current time is 0911.

Present at this interview is Officer Taryn Sisco. - ATTY MR. BOMER
GRAD. LAW CLERK DAVID ARAMBULA.

Pursuant to Government Code § 3303(g), I am recording this interview. Officer Sisco, you have the right to record the interview as well.

Are you taking any medication which would cause you to be unable to understand and respond truthfully and fully to the questions that will be asked of you? A: NO

Have you failed to take any prescription or other medication which would assist you to understand and respond truthfully and fully to the questions that will be asked of you? A: NO

Are you suffering from any physical or mental condition that will cause you to be unable to understand and respond truthfully and fully to the questions that will be asked of you? A: NO

The nature of this investigation is: On 2-20-13. It is alleged that you possibly authored a false, misleading, or inaccurate police report. It is also alleged that you possibly provided false information while testifying in a court hearing, under oath, subject to the penalty of perjury.

The nature of this investigation is such that the Department deems that you may be charged with a criminal offense. Therefore, I will now advise you of your Constitutional rights under Miranda.

MIRANDA ADMONISHMENT

- You have the right to remain silent.
- Anything you say may be used against you in court.
- You have the right to speak with an attorney of your choice before questioning and to have an attorney present during questioning.
- You have the right to a free court appointed attorney if you cannot afford to pay for one.

Q. Do you understand each of these rights? A: YES

Q. Are you willing to speak with me? A: NO

(If accused invokes Miranda, read Lybarger admonition; if accused waives Miranda **DO NOT** read Lybarger)

LYBARGER ADMONISHMENT

Although you have refused to waive your Constitutional rights, be advised that I will now proceed with the administrative aspect of this interrogation. On behalf of the Chief of Police, I now order you to fully and truthfully answer all questions asked of you during this interrogation. Your failure to do so will, in and of itself, constitute a disciplinable act of insubordination and will result in a recommendation of disciplinary action against you, up to and including dismissal.

Q. Officer Sisco, do you understand what I just read to you? A: YES

Q. Do you have any questions regarding what I read? A: NO

The nature of this interrogation focuses on administrative matters likely to result in punitive action and, at your request; you have the right to be represented during the interrogation by a representative of your choice who may be present at all times during the interrogation. The representative shall not be a person subject to this investigation and shall not be required to disclose, nor be subject any punitive action for refusing to disclose, any information received from you to the extent it does not regard criminal matters. The Department will neither provide nor compensate any such representative.

I see you have a representative present today. Will you please identify him/her for the record?

Prior to proceeding with the interrogation, do you have any questions regarding the admonitions that I have read to you? A: NO

This interrogation admonition was read to me on SEPT. 3RD ~~August 6th~~, 2013 at 0911 hours and by my signature herein, I acknowledge my understanding of my rights and duties.

Signature Tang Date 09-03-13

BEGIN QUESTIONING

I have no further questions. On behalf of the Chief of Police, I am ordering you not to disclose anything we discussed during this interview or anything regarding this investigation with anyone other than your representative, legal counsel, medical or mental health professionals, family members or clergy. Doing so would be deemed an act of insubordination and by itself, would subject you to disciplinary action, up to and including dismissal. Do you understand? A: YES

This concludes the interview. The time now is 1002.

STOP RECORDING

Mickey Williams

From: Mickey Williams
Sent: Thursday, October 17, 2013 3:51 PM
o: 'annette.irving@sdcca.org'
Subject: Carlsbad PD IA case 13-IA-08
Attachments: Findings and admin insight redacted.pdf

Annette,

Attached to this email are the IA findings for our case (13-IA-08) which is the most recent IA case sent to you for review regarding Taryn Sisco. Please let me know if you have any questions or if there are any problems. Thanks Mickey



**CITY OF
CARLSBAD**
Police Department

Mickey Williams
Sergeant
Carlsbad Police Department
Professional Standards and Services Division
2560 Orion Way
Carlsbad, CA 92010

P: 760-931-2178
F: 760-931-8473
mickey.williams@carlsbadca.gov

"To Protect and Serve the Community with Integrity, Professionalism, and Valor"

CONFIDENTIAL

CARLSBAD POLICE DEPARTMENT INTERNAL INVESTIGATION Case #13-AI-08

FINDINGS AND ADMINISTRATIVE INSIGHT

Introduction

On September 23, 2013, I was asked to review Internal Affairs Investigation #13-IA-08 by Capt. N. Gallucci and investigated by Sgt. M. Williams. I have reviewed the aforementioned investigation in its entirety, including all documentation, evidence, witness interviews, transcripts of interviews.

FINDINGS AND ADMINISTRATIVE INSIGHT

This investigation was conducted by Sergeant Mickey Williams after a complaint against Officer Taryn Sisco was made by Sergeant Jade Chase. At the time of receiving the complaint, Officer Taryn Sisco was assigned to the Patrol Division (E2) and reported to Sergeant Jade Chase and Richard Beronda. Sergeant Jade Chase outlined several department policies allegedly violated by Officer Taryn Sisco.

As to Officer T. Sisco, #5426:

Allegation 1

340.3.5 (i) PERFORMANCE

(i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

Analysis: On March 18, 2013, Officer S. Taryn testified in San Diego County Juvenile Court, under penalty of perjury regarding Carlsbad PD Case #13-1100. During testimony Officer Taryn Sisco was asked by the defense attorney if she took notes while conducting this investigation. Juvenile Court Reporter transcripts show Officer Taryn Sisco answered this question by saying "No." On September 9, 2013, Officer Taryn Sisco provided a statement to Sergeant M. Williams reference Carlsbad PD IA#13-IA-08. Officer Taryn Sisco stated in this interview, [REDACTED]

1 [REDACTED] (113-1133), and [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 Sergeant M. Williams.

7
8 **Findings: Sustained**

9
10 **Allegation 2**

11 **340.3.5 (o) PERFORMANCE**

12 (o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the
13 employee/employer relationship, whether on-or off-duty
14

15 **Analysis:** See analysis for Allegation 1 for details
16

17 **Finding: Sustained**
18

19 **Allegation 3**

20 **340.3.5 (p) PERFORMANCE**

21 (p) Failure to disclose or misrepresenting material facts, or the making of any false or
22 misleading statement on any application, examination form, or other official document, report
23 or form or during the course of any work-related investigations.
24

25 **Analysis:** See analysis for Allegation 1 for details
26

27 **Finding: Sustained**
28

29 **Allegation 4**

30 **340.3.5 (aa) PERFORMANCE**

31 (aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should
32 know is unbecoming a member of the Department or which is contrary to good order,
33 efficiency or morale, or which tends to reflect unfavorably upon the Department or its
34 members.
35

36 **Analysis:** See analysis for Allegation 1 for details
37

38 **Finding: Sustained**
39

40 **Allegation 5**

41
42 **340.3.5 (ad) PERFORMANCE**

(ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

Analysis: See analysis for Allegation 1 for details

Finding: Sustained

Allegation 6

340.3.5 (m) PERFORMANCE

(m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

Analysis: See analysis for Allegation 1 for details

Finding: Sustained

ADMINISTRATIVE INSIGHT

None noted

Submitted by: _____

 #5200
Lieutenant P. Pascual, #5200,
Patrol Watch Commander


Date

Approved by: _____

Captain N. Gallucci, #5194,
Patrol Operations Division

_____ Date